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GRADUATE SCHOOL

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Thesis.

THE RELATION OF CHILD LABOR LEGISLATION
TO EDUCATION IN MASSACHUSETTS.

- I. Scope of Labor.
- II. Educational system.
- III. Child labor legislation.
- IV. Criticisms of this legislation.
 1. Protection of the employer.
 2. Difficulty of enforcement.
 3. Public opinion.
 4. Child labor not educational under modern industrial conditions.
 5. Relation of minimum working age to various compulsory school ages.
 6. Lack of positive provisions in legislation.
- V. Economic Effects of Child Labor.
 1. Production.
 2. Taxes.
 3. Employment.
 4. Effect on poverty.
- VI. Effects other than Economic.
 1. Health and physical growth.
 2. Mental and moral growth.
 3. Citizenship.
 4. Shortening of the period of

Submitted by

Julian Everett Lakey

S.B., Boston, 1921

In partial fulfillment of requirements for
the degree of Master of Arts.

- : - 1922 - : -

Child labor

Education - U.S. - Mass

Title

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In our present age of enlightenment the conditions which gave rise to the first legislation were not altogether forgotten. Many changes have since taken place and the conditions are still very different. Many changes have since taken place and the conditions are still very different. Many changes have since taken place and the conditions are still very different.

It is the purpose of this paper, first, to trace briefly the history of child labor legislation in this state and from this to determine some of the causes and conditions which gave rise to the necessity for this legislation. And, second, to show how these conditions have been regulated, the needs of the working child, for the satisfaction of which these laws are designed, and finally the relation of education to the legal provision in satisfying these needs.

It is evident that no law in itself, no matter how good a law it may be, can ever meet these needs by mere penalty of enforcement. There must be established in it some positive provision which not only satisfies the need, but strikes at the root of the causes which gave rise to the legislation.

The progress of education in meeting the needs of the child worker has been widely studied but its effect in removing the causes of the problem has received less attention. Too often the economic and social conditions which gave rise to the traffic in child labor are considered as entirely remote and separate from the educational opportunities which child labor strives to insure.

Introduction.

In our present age of enlightenment the conditions which gave rise to the first legislation restrictive of child labor are little apparent. Many changes for the better have been wrought and we are inclined to believe that conditions now approximate the ideal.

It is the purpose of this paper, first, to trace briefly the history of child labor legislation in this state and from this to determine some of the causes and conditions which gave rise to the necessity for this legislation. And, second, to determine from these conditions and the laws regulating them, the needs of the working child, for the satisfaction of which these laws are designed. And finally the relation of education to the legal provisions in satisfying these needs.

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It will be the purpose of this paper to add some light, if possible, to the relation which exists between the cause and the means of overcoming it. For it is in this relation, supplementing and ensuring the practical application of the legislative provisions, that the greatest service of education lies at the present time. The benefits are not for the individual alone but extend to the entire community. For the ideals of democracy may only be realized when the electorate is intelligent and capable of rightly using the rights and powers with which it is invested.

Chapter I.

Position of Child Labor Legislation

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Beginnings of Child Labor Legislation.

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I. Growth of Child Labor.

The history of the child labor problem in Massachusetts has run a parallel course with the development of our complex modern industrial system. In the early days when each family manufactured a large part of its goods in the home, the work of the children received little thought and attention. Children were rarely employed except by their own parents and much of the work they were called upon to perform was educational in character. Agriculture, which was, perhaps, the chief industry of the times, provided healthful, outdoor employment that was of undoubted physical benefit to the child. In many of the manufactures carried on in the home the child gained a knowledge of fundamental processes that made such work distinctly educational.

As the industry of the state grew the home was no longer able to meet the demands and the factories came to perform many of the processes on a much larger scale. This movement was accompanied by a corresponding movement of the population from the farms to the cities. It was the beginning of the age of specialization. With the introduction of machinery came a minute division of labor. A workman now needed to know merely the operation of a single machine or a small part of the process instead of understanding the entire method. This, of course, led to the creation of many "blind alley" jobs requiring but little training in preparation and furnishing but a very slight knowledge of the industry. Many of these simpler processes could be performed by children, in some cases even better

than by adults, because of the relative speed and nimbleness of their fingers.

Such conditions resulted in the employment of children in competition with their parents. Their hours were equally long and their work often as heavy or as dangerous as that of adults, yet they were paid much smaller wages. This led to the exploitation of child labor by employers who were forced by competition to seek the lowest possible costs without regard for the welfare of the children. The results of this confining work, for long hours and under poor working conditions, were seen in the stunted and poorly developed bodies of the child workers. The work had none of the educational features of the old labor in the home, as the child seldom had opportunity to learn more than a single process and when his fingers became too stiff for that work he was replaced by another and left without any training that would help him in securing another position. It was such conditions as these that first brought the problem of child labor strongly before the attention of the public and the labor leaders and created the demand for corrective legislation.

II. Early Legislation.

Child labor was one of the first aspects of the labor question to receive the attention of legislators. The first laws enacted provided for the schooling of laboring children, for a period varying from three months to eighteen weeks, with the provision of a certificate of school attendance releasing the employer from liability for illegal employment. These laws were hastily constructed, unenforceable as placed on the statute books, and at best

stood for the ineffectual recognition of a social need. As one writer says, "They seem to have been intended rather to still the clamor of labor agitators than as any serious effort to correct the evils in the labor situation."¹ It was not until thirty years after the passage of the first child labor law that any minimum age limit was set.² And it was over ten years later that a restriction was placed upon the employment of children who could not read and write. Enforcement by state police officials and by truant officers was not made compulsory during the first thirty years of this period.

Thus it is apparent that the early legislation in this state made no positive attempt to better the condition of the working child. A few weeks schooling is required but no standard is set and no means of enforcement is provided.

III. Comparisons with other sections.

The manufacturing industries developed first in the New England and Northern states, hence it was in this section that the child labor problem first attracted attention. At the same period that this development was taking place here the South was mainly an agricultural section. With the growth of restrictions on child labor certain industries began to seek the cheaper labor obtainable in the South with the result that that section is now entering upon a period of development similar to that of the North at the time of the Civil War. Both the child labor and compulsory school attendance

1. Whittelsey, Mass. Labor Legislation, p. 9.

2. See Appendix

legislation of the South has been notoriously lax. There is, however, a growing realization of the need of such legislation and of the importance of education in this connection and it is to be hoped that eventually some uniformity may be secured throughout the country. The problem in the South has been further complicated by the presence of negro labor and, in the mining sections, of European labor, each of which classes presents individual problems for solution.

IV. Causes which affected the growth of these conditions.

Chief among the causes which have given rise to the problems of child labor are industrial evolution, greed, necessity, ignorance and indifference. The first of these has been discussed above. The second is to be found on both sides of the problem. There are the children who want more money and more pleasure than mere "pocket-money" will provide as well as parents who seek to profit by the earnings of every member of the family. Greed may also be charged to the manufacturer who seeks to reduce his cost of production at the expense of the children he employs.

Necessity is often employed as an argument in favor of the employment of children. It is justified only when the earnings of the parent are too low to provide for his family. But when a child is employed in competition with adults the tendency is to lower the scale of wages for the adult, so that in the long run the child is of comparatively little help. However, it must be recognized as one of the most serious and one of the most compelling causes that sends children to work.

Ignorance and indifference, as causes of child labor may not be charged solely to the parents of the children; the employers and the general public may be included as well. It is admittedly true that many parents are ignorant of the importance of the step their children are taking when they leave school for work, and of the effects of that step. But it is also true that in many cases manufacturers leave the details of employment to subordinates and are ignorant of the condition which exist within their own plants. And the public, by demanding cheap goods creates a demand for cheap labor which leads the manufacturer to seek lower costs through the employment of children. The relation of public opinion to this subject will be discussed in another chapter.

Still another cause of the growth of child labor, though less frequently discussed by writers on the subject, is the relation of the school to the child. Of the above causes none would be able to operate to such a degree if the child himself did not want to go to work. When a child reaches the working age he has a variety of choices presented before him. If he wishes to go to work every business offers different inducements with no attempt at uniformity, and he may select the one most fitted to his individual temperament. On the other hand, if he stays in school he must conform to a narrow uniformity in curriculum and discipline. Recently there has been aroused among educators a realization of this inequality of opportunity. It is with the movement to lessen this inequality and so remove, or at least ameliorate, this cause of child labor that the later part of this paper

will be concerned. This movement has taken form in pre-vocational work in the elementary school and vocational, technical and industrial training in secondary and higher institutions.

V. Results of child labor.

The results of a system of child labor, if permitted to continue unregulated, are too well known to require comment. Not only is the physical development of the child retarded but his mental and moral development as well. The presence of such conditions is obvious where child labor is not restricted and it was the presence of these conditions that led to the initiation of the demand for restrictive legislation. The consideration of these results will be taken up in further detail in connection with the effects of the legislation.

Later Massachusetts Legislation.

The later legislation may be divided very generally into three principal groups or classes: age limits, hours of labor, and education. These classes are rather closely related and it is not always possible to make sharp distinctions between them.

I. Age Limits.

The earliest age limit law was passed in 1835 when the legislature prohibited the employment of children under twelve years of age in factories and mills.

Chapter II.

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Later Massachusetts Legislation.

It was not until 1835 that the age limit was raised to fourteen years for children employed in factories, workshops and mercantile establishments. This age has since been adopted as the standard among the states and is generally accepted by public opinion as the normal age for a child to begin to work. There is good reason to believe, however, that a still higher age limit might prove even more beneficial. In 1905 the age limit was raised to sixteen years for illiterate children. Present day legislation has undergone two important changes from this standard. An age limit of eighteen has

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I. Age Limits.

The earliest age limits imposed were conditional upon the school attendance of the child. The first absolute prohibition came in 1866 when children under ten years of age were forbidden employment in manufactories. This law remained the only one of its kind until 1883 when the employment of children under twelve was forbidden during the hours of public school session. Two years later this was amended by substituting "days" instead of "hours." In 1887 children who could not read and write English were allowed to work only during public school vacations.

It was not until 1898 that the age limit was raised to fourteen years for children employed in factory, workshop and mercantile establishments. This age has come to be adopted as the standard among the states and is commonly accepted by public opinion as the normal age for a child to begin to work. There is good reason to believe, however, that a still higher age limit might prove even more beneficial. In 1905 the age limit was raised to sixteen years for illiterate children. Present day legislation has undergone few important changes from this standard. An age limit of eighteen has

been imposed on certain dangerous occupations and a limit of sixteen on another list of occupations. There is now before the legislature, House Bill No. 611, a provision to raise the compulsory school attendance age to sixteen, thus prohibiting the employment of children under sixteen during public school hours. Several other states have adopted similar legislation and there is much evidence that such a law would be beneficial. The relation of this legislation to education will be discussed in a later chapter.

II. Hours of Labor.

The hours of labor of children was one of the first phases of the problem to receive attention. In 1842 children under twelve years of age were restricted to ten hours a day in manufactories. This law stood without modification until 1866 when children under fourteen were limited to eight hours a day in manufacturing establishments. This act was repealed the following year and the hours of labor of children under fifteen limited to sixty hours a week.

Seven years later the hours for "minors" were limited to ten a day and sixty a week in manufactories, and in 1883 the law was extended to include mechanical and mercantile establishments. No change was made in this statute until 1908 when the number of hours was reduced to fifty-six a week for manufacturing or mechanical establishments. The following year the limit was raised to ten hours a day and fifty-eight hours a week, and in 1911 was dropped to fifty-four. In 1913 and 1916 the list of occupations to which the law applies was increased.

And again in 1919 the number of hours for children under eighteen was reduced to nine a day and forty-eight a week where it now stands.

Night work, which is obviously injurious for children, did not receive the attention of legislators until 1888 when the employment of children under fourteen was forbidden between the hours of 7 p. m. and 6 a. m. An enactment two years later forbade the employment of "minors" between 10 p. m. and 6 a. m. In 1907 children under eighteen were forbidden employment in textile industries before 6 a. m. and after 6 p. m. Two years later a return was made to the standard of 1890. In 1913 the list of occupations was increased and work before 5 a. m. or after 10 p. m. was prohibited, in textile manufacturing after 6 p. m. This is the present law, with the exception, enacted in 1917, allowing the employment of girls under twenty-one up to 11 p. m. in regular telephone exchanges.

III. Educational provisions.

The first child labor law in Massachusetts, which was also the first in this country, was an act in 1836 which provided that children between twelve and fifteen years of age in manufactories should attend school three months in each year. This law set no minimum age limit and embodied no provision for enforcement. In 1849 the requirement was changed to eleven weeks during the twelve months preceding and in each twelve months of employment but was raised again to eighteen weeks in 1858.

In 1866 the requirement was again raised to six months for children from ten to fourteen. The following year the ages were extended from ten to fifteen

and the schooling reduced to three months, thus making it similar to the original law of 1836. Nine years later came another change when the requirement was raised to twenty weeks of schooling for children employed in manufacturing, mechanical or mercantile establishments. Two laws, in 1878 and 1887 limited the employment of illiterate children to vacations only. In 1888 an act was passed forbidding the employment of children under thirteen in factories, workshops or mercantile establishments during school hours unless they had attended school for twenty weeks during the year next preceding. The following year the ability to "read at sight and write legibly simple sentences in the English language," was substituted for the twenty weeks schooling requirement.

From this time on especial attention was given to illiterate children, evening school attendance being required of all children over the compulsory school age who could not read and write. This ability to read and write was given a still more accurate definition in 1906 when the requirements for entrance to the second grade was taken as a standard, to be increased to the third in 1907 and to the fourth in 1908. In 1913 the wording was changed to read the "completion" of the fourth grade and in 1919 it was again raised to the completion of the sixth grade. This careful attention to the definition of literacy shows a growing appreciation of the importance of education in securing the benefits of the age limitations. With a possible increase in the compulsory school age it may be that an even higher standard will be adopted.

IV. Other Legislation.

The kinds of labor in which children may be employed are also subject to regulation. Participation in shows and theatrical performances by children has been forbidden since 1874. The street trades, such as peddling, begging, boot-blackening and selling newspapers are put under local license regulation. Cleaning and operation of dangerous machinery and elevators is forbidden. The General Laws of 1920 contain a list of twenty-one occupations in which minors under sixteen may not be employed, and a further list of fourteen occupations forbidden to minors under eighteen. Such regulations show a regard for the moral as well as the physical well-being of the child. The fact that so many occupations are judged to be injurious to the health or dangerous for children under sixteen indicates a sound basis for raising the compulsory school age to that limit.

A more detailed account of the provisions of the above acts will be found in the Digest of the Child Labor Laws of Massachusetts in the Appendix.

1. Protection of the child.

In much of the earlier legislation there was little or no attention paid to the welfare of the child worker himself. The wording of the enactments was such that they provided protection for the employer against attempts on the part of the child or his parents to secure illegal employment. Of a similar nature were the early provisions for certificates of school attendance. They were placed to cover the employer's liability in connection with the child.

Chapter III.

Criticisms of this Legislation.

The words "knowingly" and "wilfully" were frequently incorporated into these enactments and provided an opportunity for evasion of responsibility on the part of the employer. This is comparatively easy to secure proof of violation of the school attendance requirement it was found difficult to prove a "knowing" or "wilful" violation on the part of the employer. Such laws naturally operated in a manner that worked hardship on the child and placed guilt on the employer. As a result children were deprived of their work and allowed to roam the streets or to seek employment in other lines until found again liable under the law. There were no provisions for returning such children to the schools where they could receive the legal amount of schooling.

In the more recent legislation, however, this point of view has been largely abandoned. This change in purpose is due, in a large degree, to the awakening of public sentiment to the need for real protection for the child worker. The need has long existed but has only recently

Criticisms of this Legislation.

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In the more recent legislation, however, this point of view has been largely abandoned. This change in purpose is due, in a large degree, to the awakening of public sentiment to the need for real protection for the child workers. The need has long existed but has only recently

come to demand attention. Instead of merely trying to still the demands of labor and reform agitators, legislation now seeks to satisfy a conscious need and to assure conditions which will provide for the welfare of both the child and the community.

II. Difficulty of enforcement.

The problem of securing adequate enforcement has long been recognized as demanding consideration. The first labor laws made no provision for enforcement of any kind. It was found that a prohibition, even with a penalty attached, was often ineffective. It was not until 1866, thirty years after the passage of the first child labor legislation, that factory inspection by state officials was required. Previous to that time, the power to prosecute violations had been vested in the local school committees.

In 1911 a study was made by Misses Edith Reeves and Caroline Manning, to determine the standing of Massachusetts in the administration of labor legislation. They found that Massachusetts ranked fourth among the states, having thirty-three inspectors for some 11,000 establishments. Perhaps the greatest difficulty in the proper enforcement of labor laws lies in the division of the powers of inspection among a number of groups of officials, many of whom are charged with other duties. For instance, a factory is subject to inspection by a building inspector, a boiler inspector, a police inspector of machinery, a state health inspector, a local health inspector and a truant officer. There is a lack of clear

1. Ch. IV. in "Labor Laws and their Enforcement,"
see. Bibliography.

definition of the relative powers and duties of these various groups, with the result that much of the inspection is done only on complaint. Such a condition could be remedied by providing centralized control under state officials who are not burdened with other duties. In comparison with some of the southern states, however, Massachusetts is well in the lead.

III. Public Opinion.

One of the strongest factors in the introduction of child labor legislation has been the awakening of public sentiment. When the factory system first began to develop children worked from sunrise to sunset and yet such conditions were so usual as to cause little comment. Both employers and the parents of the children believed such employment profitable. It remained for an enlightened few to start the agitation for better conditions. Those who were in a position to know best the existing state of affairs were prejudiced against any forms of changes. But the effects of such a system could not long remain hidden and the result was a well informed public sentiment on the matter.

One of the most outstanding faults of the early factory system was the lack of any provision for the education of the child workers. Under the older industrial organization education had been incorporated in the form of apprenticeship but the modern system contained no such benefits. Most of the occupations in which children were employed furnished no training that would be of value to

1. "Labor Laws and their Enforcement." P. 265.

them in their later industrial life. Their minds, as well as their bodies, were becoming dwarfed and cramped.

With the growth of public interest in the matter there have come two definite changes in the condition of the working child. First, the conception of the number of hours constituting a fair day's work has been gradually decreased from twelve or more down to eight or nine. And second, the minimum age at which a child may begin work has been raised from ten to fourteen. In some states the minimum age has been set as high as sixteen but in this state only illiterates are barred up to the latter age. One writer¹ has ventured to hope that by 1930 the minimum age may be raised to eighteen, if public sentiment can be made to keep pace with progress. Such a view is, perhaps, over sanguine but a minimum age of sixteen with protection for all does not seem beyond the range of possibility. The National Child Labor Committee² has favored this aim and at the present time the Massachusetts Child Labor Committee is preparing the way for legislation to raise the compulsory school age to sixteen.

IV. Child labor not educational under modern industrial conditions.

As stated above, the early forms of industrial organization provided many opportunities for the education of the child. In those trades where apprenticeship was the common practise the child acquired a degree of skill and a knowledge of all the different operations sufficient to enable him to become a skilled workman and later a master

1. Scott Nearing, "The Solution of the Child Labor Problem." P. 7.

2. "Labor Laws and their Enforcement." P. 164.

in that line. In agriculture especially the work was of an educational nature. Even though the hours might be long and the work monotonous the child worker was acquiring skill and knowledge that would eventually enable him to enter into competition as an independent farmer. There was ample provision for mental as well as physical development.

In the modern factory system the tasks to which the children were assigned were usually very light, such as setting spools in the frames or piecing rolls. The skill developed was of little use in other operations or in other occupations and the tasks seldom furnished any knowledge of other processes within the same industry. There was little opportunity for either physical or mental development in connection with their work. The hours of labor precluded the possibility of obtaining much education or recreation and so it was at this point that the first legislative attempts were made. If we are to have workers well developed in mind and body provision must be made for such training while they are still in the formative age. The legislation already enacted has resolved itself along these two main lines: the age and education of the child and the hours of labor.

V. Relation of minimum working age to maximum compulsory school age.

An important factor, often overlooked in child labor legislation, is the intimate relation which exists between the minimum age at which a child may go to work and the maximum age for compulsory attendance at

school. Fourteen has come to be almost universally accepted as the age limit for compulsory education and yet many of the states, including Massachusetts, have placed restrictions on certain occupations or hours of work up to the ages of sixteen and eighteen. A few states have even raised their compulsory school attendance age to fifteen or sixteen and it is to be hoped that Massachusetts will soon be numbered among them. Such restrictions mark a definite progress toward an ideal in child labor legislation under which no child could begin work until physically qualified and mentally developed to a point that will insure good citizenship.

To attain such an ideal, age restrictions alone are not sufficient. We must make sure that the child has made use of the opportunity offered as well. This we now do to a certain extent by forbidding the employment under sixteen years of age of any child who cannot read, write and spell as required for the completion of the sixth grade. This is a progressive step but it provides only a minimum of essentials.

VI. Lack of positive provisions in legislation.

Throughout the history of child labor legislation the restrictions imposed have been almost entirely negative in character. The child is forbidden to work unless he has complied with certain requirements as to age or length of schooling. These requirements are based on the popular conception of an absolute minimum and although there has been considerable progress in this direction there is still room for improvement. We have

no means of measuring the mental development of the child beginning to work and hence we must resort to minimum requirements only.

It is not enough to tell a child that he must stay in school until a certain age; we should find a means of judging his mental fitness to work just as we now determine his physical fitness. This might well be done through the agency of vocational courses in our schools where there is a basis for measuring the degree of skill attained. Physical standards of development are coming to be universally adopted and mental standards are none the less important for the future welfare of the child. A higher compulsory school age would help in attaining this aim by providing for better physical development and by providing greater opportunity for schooling. But it alone will not solve the problem. Such a change should be accompanied by the broadening of our school curriculum to provide for a wider variety of pupil's interests. It is only by providing the child as wide a field of interests in the school as he will find in the industrial world that this lack of positive provisions may be overcome. This may appear to be too large a program for immediate accomplishment. Much has been done in this direction already and this progress will be described in a later chapter.

1. Nearing, "The Solution of the Child Labor Problem." P. 131.

Economic Effects of Child Labor.

I. Production.

One of the strongest arguments advanced by employers in opposition to child labor legislation and the shortening of hours of labor was the effect of such legislation on production. Such restrictions were said to narrow the supply of cheap labor and hence to raise the manufacturers' fixed charges. It is undoubtedly true that when such restrictions manufacturers cannot compete with other sections where a large supply of cheap labor exists, and there is evidence to show that production was reduced following the introduction of this legislation. It was feared that the final effect would be to drive the textile industries from the state.

Chapter IV.

Economic Effects of Child Labor.

This tendency has been largely offset by the improvement of machinery and the introduction of higher operating speed which are possible with adult workers. The competition of the South, with its cheap labor, has reduced the production of certain grades of textiles but the finer grades are still being produced here and are not affected by such competition. The present condition of our textile industries shows that this effect was somewhat over-estimated. The effect of shorter hours on production has also proven not as serious as was anticipated, as is evidenced by the still further reductions in hours of labor which have been more recently enacted. There is less fatigue with a shorter working day and this greater efficiency tends to favor a higher working speed and consequently

Whitelsey, Mass. Labor Legislation, p. 35.

Economic Effects of Child Labor.

I. Production.

One of the strongest arguments advanced by employer in opposition to child labor legislation and the shortening of hours of labor was the effect of such legislation on production. Such restrictions tend to narrow the supply of cheap labor and hence to raise the manufacturers fixed charges. It is undoubtedly true that under such restrictions manufacturers cannot compete with other sections where a large supply of cheap labor exists, and there is evidence, to show that production was reduced following the introduction of this legislation. It was feared that the final effect would be to drive the textile industries from the state.

This tendency has been largely offset by the improvement of machinery and the introduction of higher operating speed which are possible with adult workers. The competition of the South, with its cheap labor, has reduced the production of certain grades of textiles but the finer grades are still being produced here and are not affected by such competition. The present condition of our textile industries shows that this effect was somewhat over-estimated. The effect of shorter hours on production has also proven not as serious as was anticipated, as is evidenced by the still further reductions in hours of labor which have been more recently enacted. There is less fatigue with a shorter working day and this greater efficiency tends to favor a higher working speed and consequently

tends to increase production, and in some degree equalizes the lessening of production claimed.

II. Wages.

Child labor is practically synonymous with cheap labor: the children fill unskilled positions and the wages they are capable of commanding are correspondingly low. Hence the restriction of child labor means increased cost to the employer. But it also means better wages for adult workers, for when children compete with adults the tendency is to reduce the wages of the adult. The shortening of hours is also usually believed to be productive of higher wages. It is apparently true that with each new change in the hours of labor there has come a higher wage scale, still it is doubtful if the real wages of the worker have been materially increased by this legislation. Raises in wages are usually accompanied by an equal, if not greater, raise in prices and living conditions, so that the position of the wage earner is not greatly changed.

III. Employment.

Both the restriction of child labor and the shortening of hours of labor have tended to introduce automatic labor-saving machinery. In many industries such machinery has taken over many of the tasks formerly performed by children. Where child labor is employed extensively it tends to replace that of adults, so that restrictive legislation increases the opportunity of employment for the adult. Such legislation has not, however, proved to be a relief for the unemployment situation to any marked degree. A sure means of relief is yet to be found.

IV. Effect on Poverty.

The necessity of the family is, perhaps, the most forceful cause that sends children to work. In some states special provisions have been made to allow exceptions to be made in the cases where extreme poverty exists. This relief is only temporary and is based on a fallacious principle: The result in such cases is to permanently lower the child's earning ability and to establish a competition with his parents which will prove dangerous to them. The ultimate result is that " the wage-labor of children tends to so lower the standard of life of the working class that its total purchasing power is reduced", and the family is not economically improved. A much better method of meeting this situation is through legislation such as a pension act, which provides payment by the state to widowed mothers who wish to keep their children in school.

1. Adams and Sumner, Labor Problems, p. 66.

Effects other than Economic.

I. Health and physical growth.

The protection of the health of the child worker has been one of the chief aims in the movement for restrictive legislation. While the work performed by children in this state was not as injurious, perhaps, as that in the glass-making and mining industries of other states, it can hardly be considered beneficial to the child. Long hours and confinement during the period when play is essential to normal development tend to produce poor health. The monotonous repetition of a single operation often causes abnormal muscular development, if not actual deformity.

Chapter V.

Effects other than Economic.

Legislation which provides for ventilation and sanitation in places where children are employed has done much to improve conditions but it cannot entirely remove the evil. It is only through the operation of a minimum age limit law that we may assure the child the right of normal and healthy development which should be his. Even this provision is not entirely effective for the child at fourteen has seldom completed his physical growth or entirely passed through the pubescent stage. A minimum age of sixteen for all children, which is now an accomplished fact in some states, would assure to the average child the right of a normal physical development that will enable him later to fill his place as an adult worker. This ideal of protection for the child has not yet been attained in Massachusetts.

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Still another means of safeguarding the health of the working child is found in the law, passed in 1910,¹ requiring all children between fourteen and sixteen to be examined by school physicians as to physical capacity for work before age and schooling certificates are granted. Many children vary from the normal in their physical development and by this means those who are not yet developed may be restrained from working. It is an open question whether a physical standard would be more just and beneficial to the child than the commonly accepted age qualification. A combination of the two systems, however, offers protection to the average child and to the child of retarded development.

II. Mental and Moral Growth.

The older system of apprenticeship offered some chance for mental training and the development of mental powers. In our modern industrial system, however, there is comparatively little to encourage mental activity on the part of the child. And the fatigue incidental to most lines of work precludes any very effective study in evening schools.

The economic independence of the working child is often a disturbing factor in his moral development. The child has freedom before he is sufficiently developed to know how to make the best use of it. He has some of the responsibilities of the adult and yet only the physical equipment of the child. The constant association with adults produced a premature aging of the child

1. See Appendix

with the result that he is brought into contact with foul language and various immoral and obscene influences while still in the formative period. The monotony of the child worker's life often leads him to seek the more exciting forms of amusement, many of which act as degrading influences in his moral development.

III. Citizenship.

The ideal of a democratic citizenship is a people mentally, morally and physically qualified to undertake the rights and duties of sovereignty. To make his vote effective at the polls the citizen must have a clear understanding of the issues to be decided; he must have a clear sense of judgment and not be too easily swayed by sentiment; and he must be physically competent to fill a useful position in the life of the community. To attain such an ideal requires education and normal development of the individual. This education and development cannot be secured if the child is taken too early from school and placed in an environment where his development practically ceases.

Ignorance and illiteracy, which are among the effects as well as the causes of unregulated child labor, are, perhaps, the greatest dangers in a democracy. The mixed nature of our population in industrial centers, with its varying ideals and standards of life, presents a problem in assimilation that education alone can effectively solve. This education need not be given entirely in the school room but may be incorporated in the other activities of the community. It is the attempt to solve this problem

that has given rise to many of the most important changes and improvements in our educational methods. It is only when we make it possible for each individual to realize his personal opportunities to the fullest that we may hope to enjoy the **benefits** of a democratic form of government.

IV. Shortening of the period of education.

From the point of view of the ultimate welfare of the nation as a whole, the most serious effect of unrestricted child labor is apparent in the shortening of the period of education. With an uneducated working class we would eventually revert to a condition similar to the feudal system of the Middle Ages. The Puritans recognized the importance of education in the promotion of their form of government and religion by requiring every child to be given at least education enough to read the Bible. It is not enough to provide education for the leaders and the upper classes; the surest way to avoid revolution in a democracy is to equip the mass of the people so that they may govern themselves intelligently.

Thus by opposing this tendency to shorten the period of education the restriction of child labor has been a benefit not only to the individual but to the community as a whole. This point of view is actively supported by organized labor in their demands for a higher minimum compulsory school age.

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Remedies for these Conditions.

I. Prohibitory nature of legislation.

In the development of child labor legislation the prohibitory side has been given more attention than the positive side. Restrictions of many kinds have been placed on various kinds of employment for children under definite ages and the employment of children under fourteen has been prohibited during school hours. But until recently very little attention has been given to

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It has been largely a matter of forcing plugs of various sizes into the holes of the child labor law with the result that the schools fail to catch the interest of the child and offer little attraction for him as soon as he has reached the age when he may legally begin to work. There has been a slight concession in this direction in the introduction of manual training and domestic science courses in the schools. These courses are still partly in an experimental stage and are considered as extras in the curriculum.

There is a very vital need for more positive provisions in relation to the educational requirements of our child labor laws. This need was recognized in an Act in 1906 which set a standard of literacy for employment certificates equivalent to the requirements for admission to the fourth grade. This has since been raised to apply to children under sixteen who cannot read, write and spell in English to the completion of sixth grade standard.

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ards, unless exempted because of mental incapacity. Such legislation marks a step forward but the standard set is none too high. Experiments in pre-vocational and continuation school work also illustrate the scope of possible progress in this direction.

II. Place of education in overcoming these effects.

Among the causes which give rise to the child labor problem, greed, necessity and indifference might all be eliminated or at least diminished through the agency of education. Many of the effects of child labor could be ameliorated and the benefits of legislation still further extended through this same means.

If both the child and his parents could be made to see the widespread effects that result from the labor of young children, affecting the moral and physical health and earning power of the individual, the standard of living and economic welfare of the family, there would be less cause for attempts at evasion of the law. The benefits of education are both immediate and cumulative. The immediate effect is to raise the earning power of the child, give him a broader and more useful preparation for life, and to remove a dangerous form of competition. To accomplish this may mean a sacrifice on the part of both the child and his family but in the long run the benefits to the family and to the community more than repay it.

To fully accomplish this purpose the content of the curriculum must be such that it will afford an adequate preparation for his later life. If the child can be made to see that education will be of direct and

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positive benefit to him, his interest will be aroused and he will be encouraged to continue. To offer this interest and encouragement the scope of the curriculum should be nearly as broad as the variety of interests which may attract him in the business world. Such an ideal is, of course, as yet far from attainment. However, if our present rate of progress in education continues it would not be unwarranted to hope that in the not too distant future our schools will afford an adequate opportunity to every child who wishes to avail himself of it, with a practical preparation for his life work, and assistance from public funds when the sacrifice demanded of his family is too great.

III. Aid to mothers with dependents.

A system which pays children to go to school counterbalances some of the strongest influences which send children to work. Such legislation would, of course, be paternalistic, but the entire public school system is paternalistic and it would make our present legislation less difficult of enforcement. In several of our larger cities both private and public funds are being used for "scholarships" to assist the children of destitute families. In Switzerland, children of widows receive a certain sum from the public funds at the end of every successful week of school and this aid is not considered as charity.

In Massachusetts we have a somewhat similar provision. Aid is given to mothers and their children under fourteen through the local overseers of the poor.

1. Carlton, History and Problems of Organized Labor, p. 406.

2. See Appendix

The state will reimburse the local officials for one third of the amount expended, or if the mother has no settlement for the total amount. The effect of this provision is to make it possible for mothers who have no relatives to contribute to their support to bring up their children in their own homes and to give them an education up to the legal working age. There is an amendment to this law now under consideration in the legislature which would extend the provisions of the act to children from fourteen to sixteen who are attending school because of restrictions applying up to that age, such as physical or mental incapacity, illiteracy, or restriction of occupations. Such a provision would extend aid to some children who are justly entitled to it, and if the compulsory school age should be raised in the near future, would be in keeping with progress in this direction.

IV. Possibilities in future legislation.

Much of the legislation under discussion at the present time has a direct bearing on education. Not only the amendment mentioned above but the demand for a compulsory school age of sixteen recognize the importance of education in securing the benefits of existing laws. It is probable that still better enforcement will be secured by this added emphasis on the value of education. It is impossible to predict at the present time whether this compulsory age will be still further increased but it is to be hoped that future legislation will continue such positive provisions as well as the more usual prohibitions.

Educational Provisions in This Legislation.

I. Early Provisions.

The educational provisions in the early legislation consisted of a few weeks schooling requirements, varying from eleven weeks to six months, as a prerequisite for the employment certificate. The mere attendance at a school appears to have been sufficient as no standard of attainment was provided until 1906, when the labor of children from ten to fourteen who could not read and write was prohibited from being used in school sessions. This ability to read and write was not clearly defined until 1920.

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Of these early provisions seems to have been to give the child a minimum amount of education, barely sufficient to avoid illiteracy. There was also a lack of uniformity in the provision for schooling during each year of employment and at one time the provision was merely "eleven weeks preceding the time of employment." These provisions indicate a lack of regard for the future welfare of the child.

II. Present Standards.

The ability to read and write was defined in 1906, to mean the equivalent for entrance to the second grade, increasing to the fourth grade in 1907, and has since been increased to the standard required for the completion of the sixth grade. The present requirements are, briefly stated, as follows: All children from seven

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1. See Appendix

to fourteen years of age must attend school; children from fourteen to sixteen who cannot read and write English for the sixth grade must attend day school; a child must attend school at least one hundred and thirty days after his thirteenth birthday to obtain a schooling certificate; minors under sixteen, employed not less than six hours a day, must attend continuation school, where such are provided, not less than four hours a week. It is noticeable in these provisions that much progress has been made from the old provision of mere ability to read and write. Not only has this provision been extended and amplified but there is evidenced a positive effort to provide the child with an amount of education sufficient to enable him to take his place as an intelligent citizen.

III. Comparison with other states.

While the educational provisions of Massachusetts laws are undoubtedly very good, we are far from being in the lead in this respect. Four states, California, Idaho, Maine, and Michigan have a fifteen year compulsory school age, and three others, Ohio, Oklahoma, and South Dakota, have a compulsory age limit of sixteen. This standard is coming to be accepted as more beneficial to the child and it is to be hoped that Massachusetts will soon follow the lead of the other states.

IV. Determination of a suitable age.

Fourteen has been the compulsory school age in so many states and for such a length of time that it has come to be accepted as a standard. Attempts to increase this age to sixteen have met with opposition on

the grounds of injustice to the child. At the latter age, however, the child has reached a more complete physical development and is less likely to be injured in health or bodily conformity through employment. Added to this are the benefits to be derived from the opportunity for additional education. Such legislation would undoubtedly be beneficial both to the child and to the community and appears to be eminently desirable. Organized labor has long recognized the advantages of this change and has strongly urged it in its educational platform.

V. The problem of illiteracy.

The problem of overcoming illiteracy is one of far-reaching importance. Not only is the individual who cannot read and write handicapped in his personal progress but he is socially a menace to the rest of the community. He is of necessity in a class by himself and this aloofness tends to foster radicalism and anarchy. Particularly in a democracy the citizen must be able to take an intelligent part in public affairs and this the illiterate is rarely able to do.

The first attempt to overcome illiteracy was made in 1878 when the employment of children between the ages of ten and fourteen who could not read and write was restricted to the times of public school vacations. In 1887 such all minors who could not read and write were required to "regularly" attend evening school in order to obtain legal employment. The ability to read and write was, in 1906, defined to mean such ability as is required for admission to the second grade, increasing to the third in 1907 and to the fourth in 1908. In 1913 this was changed

to the requirements for the completion of the fourth grade and in 1919 again raised to the requirements for the completion of the sixth grade where it now stands. Such a provision should assure to every child before becoming sixteen years of age, unless mentally incapable of receiving it, the benefit of at least a workable minimum of education.

Although the problem of illiteracy is not as acute in this state as in some other sections of the country, it still remains as a warning of the necessity of education in preparation for life. The existing illiteracy here is largely due to the mixed nature of our population, which ever gives rise to special problems in education. But as long as illiteracy continues to exist we must assure to such children equal rights and privileges with all, if we are to make our educational system thoroughly effective.

VI. Compulsory secondary education.

Secondary education is, at the present time, largely voluntary, and is denied because of home conditions to a large number of children who might avail themselves of it. The desirability of compulsory education is, of course, a debatable question. Whether the benefits to be derived from such compulsion would justify the expense and the sacrifice entailed has yet to be proven.

However, the recent tendency to introduce work of a secondary nature into the elementary schools shows the existence of some desirable features in secondary education that are ordinarily not included in the common school curriculum. Of this nature have been the experiments with departmental instruction in the upper

grades, pre-vocational and manual training courses, and the more specialized development of the intermediate or Junior High school plan. Through such means the child who remains in school only until reaching the legal age limit has been given an introduction to higher education and there has probably been a decrease in elimination at this age because of them. If the compulsory school age is raised to sixteen, as seems highly probable at the present time, the average child will be enabled to complete the full Junior High School course or two years of the regular High School. We may be better able to judge the desirability of a still further increase in the age limit by the results obtained under this legislation.

It is a well known fact that only a small percentage of high school graduates make use of their secondary training as a means of obtaining higher education. With the present existing school organization, would compulsory secondary education be a benefit to the child who does not pursue higher education? It would undoubtedly be of some benefit because of the training in self-reliance and individual responsibility which is emphasized in the high school. But to offer the greatest aid to the greatest number secondary education must offer a direct and practical preparation for the child's future vocation. A curriculum which incorporated a wide variety of training subjects would hold a higher degree of interest for the child and offer a visible return for the time and sacrifice involved. Some progress has already been made toward broadening the scope of the curriculum and adapting it more closely to the popular demand.

Vocational and Trade Education.

I. The early apprenticeship system.

Although in England it was long a matter of regret that in child labor, the apprenticeship system was fundamentally educational in nature. The boy was bound over to a master working for a period of years and in return for his services he was provided with a living in the home of the master and trained in the fundamental operations of his trade. Thus he received the benefits of social as well as industrial training.

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The distinguishing feature of the system was the thoroughness of the instruction. The apprentice was taught all branches of the trade and acquired a breadth of knowledge that assured the possibility of his becoming a journeyman at the end of his period of indenture and later even a master. Such knowledge was demanded in an industrial system where a workman might be called on to perform any part of the entire process in his trade.

With the growth of the factory system there was less demand for thoroughly skilled workers. The tasks assigned to children could be mastered usually in a day or less and there was seldom any opportunity for the child to learn more than one operation. Thus the skilled workman of the older system came to be supplanted by the unskilled factory "hand." The new system, however, makes no provision for the training of the youthful worker and offers no preparation for further useful employment after he has outlived his usefulness at the simpler tasks assigned to children. It is at this point that the schools may enter

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the field and furnish some form of training to replace that formerly provided by the apprenticeship system.

II. Relation of vocational education to child labor.

The conception that it is the duty of the schools to provide industrial training for those who need it is comparatively new. The conditions which gave rise to child labor legislation indicated a need for a form of education that would make the legislation effective. The child who enters the factory with only the minimum literacy qualifications in almost every case becomes an unskilled worker. Raising the age at which he may go to work does not help greatly to change this condition unless the child is provided an opportunity to acquire, during the added years of schooling, some practical training that will be of definite help to him when he enters the industrial world.

The old curriculum, based on the backbone of classical study, failed notably in doing this. The mental training provided was only indirectly applicable to the needs of the child worker. The realization of this short-coming led to the introduction of various experiments in vocational training. The training of the hand as well as of the head was recognized as important in the preparation of the working child. It may be justly claimed that a course in vocational training, which offers the child the experience he may gain in his first years of work, will do more than costly systems of inspection and enforcement to secure the full efficiency of our present legislation. This point in efficiency will only be reached when equal opportunity is provided for all.

III. Needed changes in education.

In the early history of our country education, beyond the fundamentals of reading and writing, was only for the upper classes and for those entering the ministry. As a result our entire school system through the elementary and high schools has been planned with the aim in view of preparing for higher education. To the small percentage who are able to avail themselves of this higher education the schools undoubtedly do achieve the aim of preparation for life.

Since the apprenticeship system no longer cares for the needs of this vast majority who do not go beyond elementary education, the schools have been presented with this new problem. If the schools do not give an equal opportunity for preparation for life to all, how are we to adapt the present system. In European countries separate schools, with different curricula and different lengths of courses, are provided for those who do not seek higher education. Such a plan does not appear to be adaptable to conditions or to the present school system in this country. The need for differentiation has usually been met by the introduction of vocational subjects as extras in the curriculum or by a separate school with a separately designed curriculum.

One of the greatest needs at the present time is a closer coordination between the school system and the industry of the locality. Too frequently we find the only vocational course offered in the schools of an industrial town are the so-called "commercial" courses, often limited in their scope. The elementary schools,

which comprise the entire education of many of our working children seldom include more than an introductory course in manual training. An interesting contrast to such conditions is seen in the schools of Gary, Ill., where equal time is devoted to shop, laboratory and playground work and the regular class-room studies. In this way a motivating interest is given to the class work and the child is given a practical vocational training while still in the elementary school. Such stimulation of the vocational motive in education would do much to lessen the elimination that now is found in the higher schools.

The educational program of organized labor, presents many changes that might be beneficial to the schools. Among other changes advocated are a longer school day, a longer school week, and a longer school year, thus providing the maximum preparation for those children who cannot attend school beyond the compulsory school age. It is of interest to note, also, that a higher compulsory school age is advocated.

IV. Securing the greatest efficiency of the schools.

An extended use of the school plant, as suggested above, would do much to increase the efficiency of the schools. But the greatest need for reorganization lies in the nature of the subject matter and the manner of presentation. Both factors contribute to increasing the interest of the child in education, through stimulating the vocational motive and through the practical application to his life. It will only be when our school system provides an equal and adequate preparation for a life work for all that we may claim a maximum of efficiency.

Chapter IX.

Massachusetts Progress in Education.

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I. Private Trade Schools.

In a number of the industrial centers of the state private schools have been established catering particularly to the local industries. Notable among these are the textile schools at Lowell, New Bedford and Fall River, and the watch-making school at Waltham. They are of a semi-public nature, the tuition being kept low through endowments. Their greatest limitation, however, is in the fact that they offer mainly advanced instruction for high school graduates and hence do not reach the majority of workers. There are also schools of a secondary nature, such as the Wentworth and Franklin Institutes of Boston which offer short courses in vocational subjects.

II. Public vocational schools.

Vocational work in the public schools has been almost entirely confined to schools of secondary grade, although the Massachusetts Agricultural College may well be termed vocational. Technical schools, such as the Mechanics Arts High School of Boston and the Technical High School of Fall River, have made important contributions in demonstrating the value of vocational education. Very little progress has been made, however, in the direction of vocational work in elementary schools.

An interesting experiment in vocational training is the Norfolk County Agricultural School at Walpole. The instruction is of high school grade and

tuition is free to residents of the county, with dormitories for non-resident pupils. It offers practical preparation in a variety of courses with a small amount of the so-called "cultural" studies included.

III. Part time plans.

The part time plan seems to offer the most practicable solution of the problem of adapting the school system to the needs of the pupils. There are several types of part time plans now in operation, among them continuation school and coöperative courses.

In 1913 continuation schools were required by law to be established in every city or town where two hundred boys under sixteen were employed not less than six hours a day. Attendance is compulsory for not less than four hours a week and, in case of temporary unemployment, for twenty-four hours a week. Such schools offer an opportunity for the boy who must leave school early to continue his education without interfering with his work, as the time of attendance is included in the number of working hours per week.

Coöperative courses vary in their method of application. One of the most successful methods, and perhaps the most universally adaptable, is the alternate group plan. Boys are employed in pairs, one working and the other attending school, and alternating each week. Such a plan has been found to stimulate the interest of the child by providing an application during the working week for the matter learned during the week in school. In this way progress becomes visible and the results are

easily measured. It also makes it possible for the child to continue his education for several years and still have the independence of a worker.

Another plan which has been tried out in Boston by the Gillette Safety Razor Co., and other firms is also of interest. The company furnishes the room and supplies and allows the children time during working hours to attend the classes. The teaching staff is furnished by the city. This plan has the disadvantage of occupying too small a part of the child's time in study. The tendency would be not to consider the school work as seriously as in the alternating plan where the pupil must devote a week's solid work to his studies and must make good in them in order to continue his employment.

IV. The modern apprenticeship system.

Under modern industrial conditions the old system of apprenticeship could not survive. But some of the larger companies,, particularly in those lines that require highly skilled workmen, have found it necessary to devise some system of meeting this need. Boys from sixteen to twenty-two years of age are given intensive training in the various departments of the industry for a period of three to five years. The pay for such apprentices is usually small but the training receives is very thorough and the results, to both the company and the individual are economical and satisfactory. Such a plan provides broader training and greater independence than the old system of indentured apprenticeship, and occupies a shorter period of time.

V. Modern tendencies in education.

It is impossible to predict accurately future progress in education. Recent progress has affected nearly every phase of the subject. In school organization we have the Junior High School and the Continuation School; in the composition of the curriculum we have the introduction of various vocational elements, adding to or replacing the older strictly classical curriculum; in teaching method also we find a progressive tendency. It is the aim of the present day teaching method to correlate subject matter with the life and interests of the child, to make the matter more vital to him and demonstrate the usefulness of the knowledge he is expected to acquire.

Such methods are a radical departure from the old disciplinary theory of education. But if, by such methods of "motivation" as they are called, the interests of the pupils are stimulated so that he feels a desire to learn, then the problem of enforcement of child labor legislation will be lightened. These steps, indicated above, in the organization, composition, and administration of education point the way to an ideal of education whereby every child leaving school will be equipped with a store of practical, useful training that will enable him to not only earn a living but to become a responsible citizen of the commonwealth.

From a study of the history of child labor legislation we may see that the conditions arising from unregulated child labor, which were the basis for the popular demand for restrictive legislation, have largely, if not entirely, been removed. The hours of labor for children have been reduced from twelve or fourteen a day to eight; night work has been forbidden; the child is required to attend school until an age when his physical development is reasonably sound; employment in dangerous occupations and in those considered injurious to the health or morals has been rigidly restricted, and a definite standard of mental development is set.

Chapter X.

Summary.

The removal of the causes which gave rise to these conditions, however, has been a much slower process, as the changes involved would result in an upheaval of our social and economic order. The operation of these causes in driving children to work has been greatly restricted by the stringency of the legal restrictions. The growing influence of education, aided by the compulsory school attendance law, has done much to remove ignorance and indifference as causes, as well as curbing the desire for independence on the part of the child.

But legislative provisions alone are not sufficient to assure the child the mental, moral and physical development that should be his before assuming the responsibilities of economic independence. In the legislation of the last twenty years there is a notable increase in the attention given to the provisions for education and training of the child.

Summary.

From a study of the history of child labor legislation we may see that the conditions arising from unregulated child labor, which were the basis for the popular demand for restrictive legislation, have largely, if not entirely, been removed. The hours of labor for children have been reduced from twelve or fourteen a day to eight; night work has been forbidden; the child is required to attend school until an age when his physical development is reasonably assured; employment in dangerous occupations and in those considered injurious to the health or morals has been rigidly restricted; and a definite standard of mental development is set.

The removal of the causes which gave rise to these conditions, however, has been a much slower process, as the changes involved would result in an upheaval of our social and economic order. The operation of these causes in driving children to work has been greatly restricted by the stringency of the legal restrictions. The growing influence of education, aided by the compulsory school attendance law, has done much to remove ignorance and indifference as causes, as well as curbing the desire for independence on the part of the child.

But legislative provisions alone are not sufficient to assure the child the mental, moral and physical development that should be his before assuming the responsibilities of economic independence. In the legislation of the last twenty years there is a notable increase in the attention given to the provisions for educ-

ation, showing a growing realization of the part played by education in satisfying the needs of the working child. These provisions have assured the child a minimum of education and of physical development and have protected him from influences which might prove harmful to health and morals. This protection is extended even beyond the time of his leaving school.

A comparison of the present status of the child labor problem with that of earlier years is most favorable but we should not be misled into believing that the ultimate has yet been reached. We may hardly claim to have reached a condition that satisfies the ideals of social and economic justice until every child is assured full protection for mental, moral and physical development and adequate preparation for his life work and his place in the community. Legislation can add but little more to the present situation; it is largely an educational problem.

Legislation which gives to the state, rather than to the parent, the duty of safeguarding the health and welfare of the child, is, of course, paternalistic. But the legal status of the child as a ward of the state implies paternalism. The present attitude of the state toward education has done much toward the development of a public consciousness of the need for education suited to the needs of the children. It is to be hoped that this consciousness, when fully aroused, will result in an educational system that will, to a large degree, overcome the necessity for paternalistic legislation.

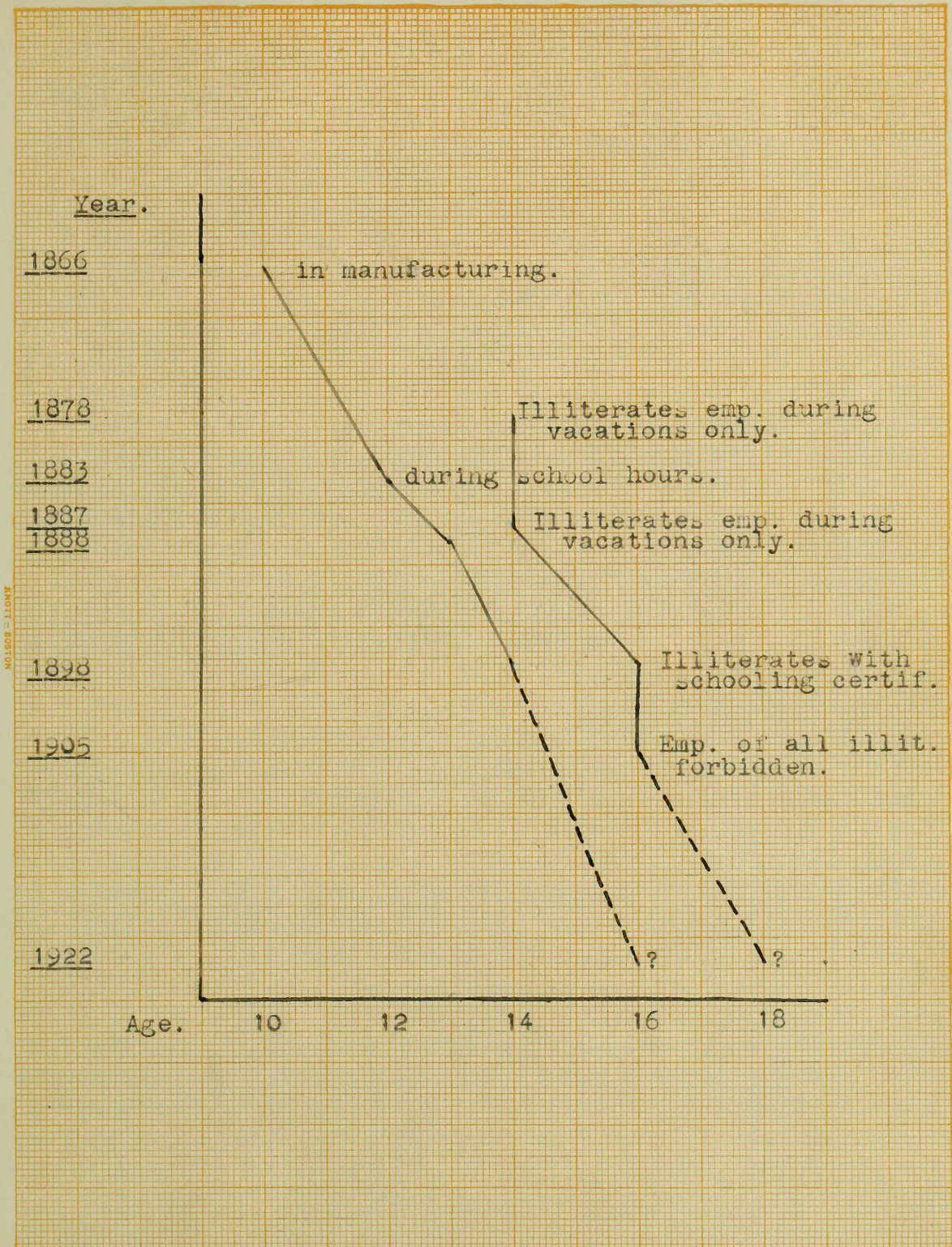
The next step in the progress in this direction, and one which appears to be almost certain of passage in the near future, is the enactment of a law raising the compulsory school attendance age to sixteen, thus assuring the child still further protection. But to attain the greatest benefits of such a change it must be accompanied by a broadening of the school curriculum and the removal of the causes which lead so many children to prefer work of any kind to school. By including vocational and trade education in the curriculum to a still greater degree much would be accomplished not only in stimulating the interest of the child in the school but in providing him with an adequate preparation to better his economic condition after he leaves the school. The demand for education of this type exists and is becoming stronger.

Progress in education is always slow, both because of the reluctance against breaking old traditions and the expense involved. But it is chiefly through this means that we may hope to attain the greatest benefits from our protective legislation. We may thus attain a higher standard of citizenship and of the social and economic condition of the community as well as the individual. It is in this relation to the economic effects of our laws that education may find its greatest opportunity for service to the rising generation.

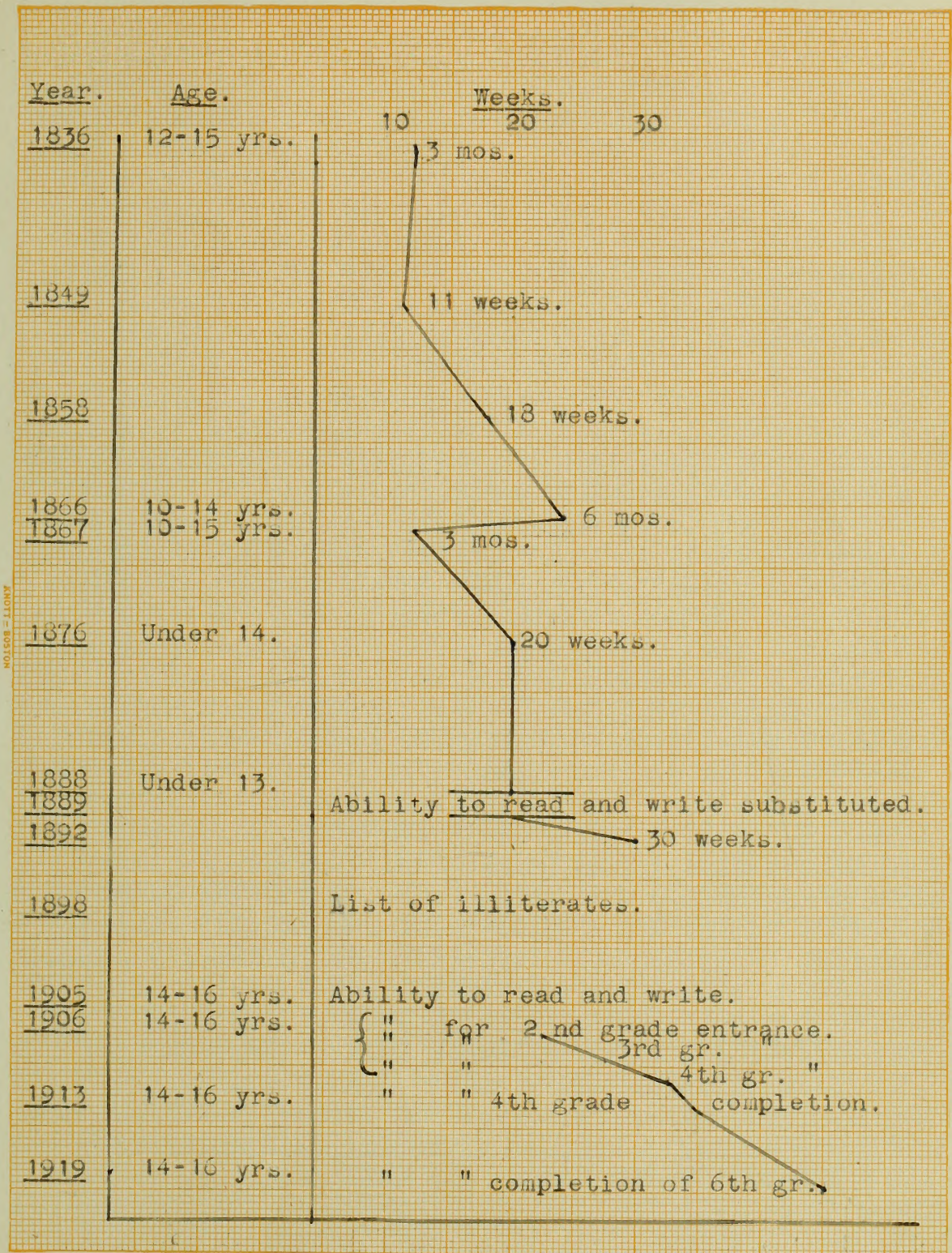
APPENDIX 1

Charles Appendices. 1898

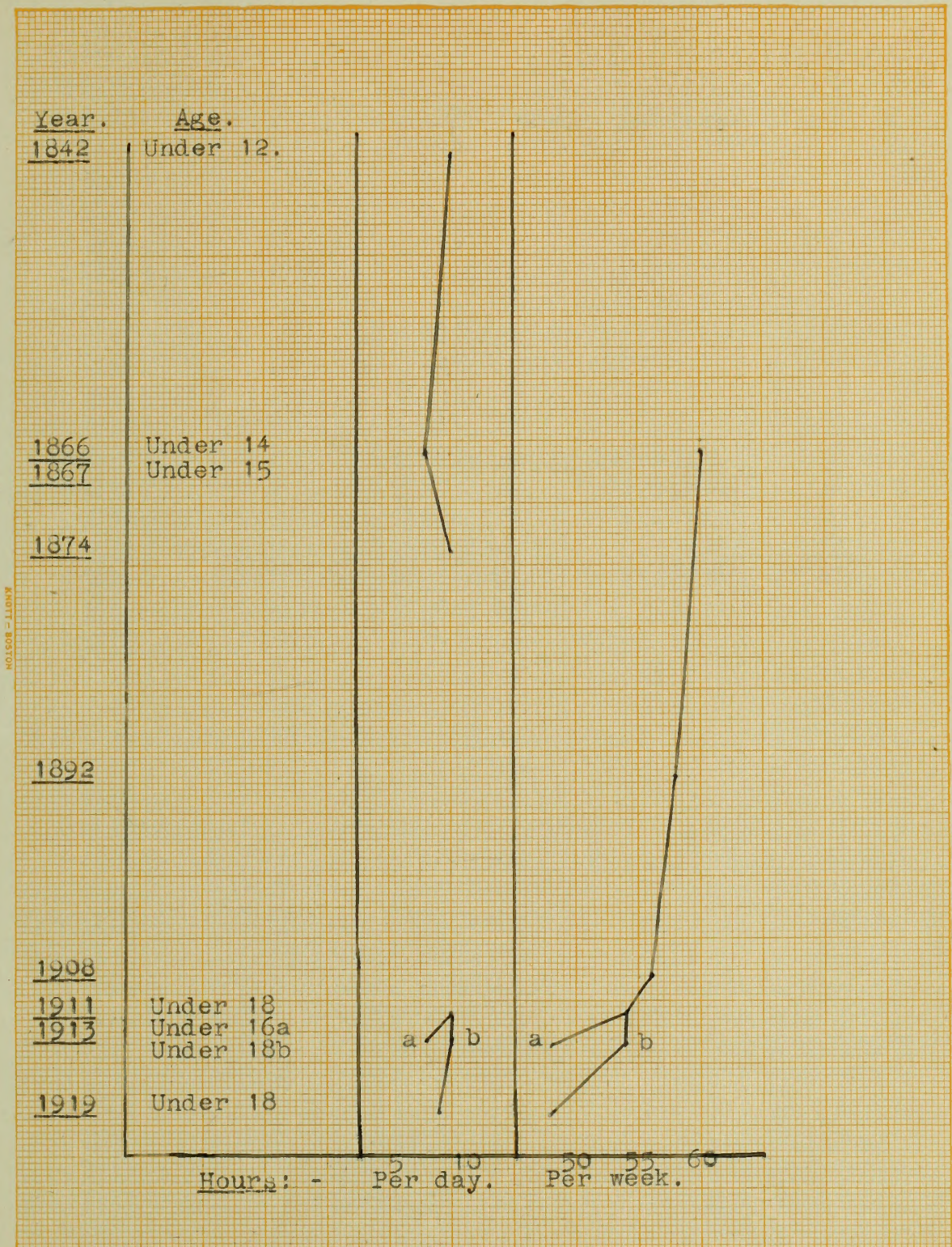
1. Minimum age standards.



2. Schooling requirements.



3. Hours of labor.



Regulation of Child Labor:

I. Age and Education:

R. S. The law of apprenticeship is the only child labor law.

1836, c. 245, § 11. Children between twelve and fifteen years of age in manufacturing shall attend school three months in each year. § 12. Employment in violation punishable, \$50.

1838, c. 127. Amends 1836, c. 245, by adding that a certificate of school attendance released the employer.

1849, c. 220. Amends 1836, c. 245, by substituting eleven weeks school for twelve weeks school, and by adding that during the year preceding and in each twelve months of employment, when the child has been a resident of the state for six months.

Appendix B.

Digest of the Labor Laws of Massachusetts.

1855, c. 373. Amends 1849, c. 220, and repeals inconsistent by defining "teacher" as a "teacher approved by the school committee," and by striking out "of the twelve months next," thus leaving the preparatory school requirement "eleven weeks preceding the time of employment."

1858, c. 83. Repeals inconsistent. The annual school attendance shall be eighteen weeks.

G. S., c. 42, §§ 1-3. Confirms 1836, c. 245; 1849, c. 60; 1849, c. 220; 1855, c. 373; 1858, c. 83. Until 1858, c. 127; 1855, c. 373, § 1, School attendance; § 12, Penalty. See Hours of Labor.

1856, c. 273. Repeals inconsistent: § 1. No child under ten years of age shall be employed in manufacturing. Between the ages of ten and fourteen years, six months schooling is required, in a school approved by the school committee, "during the year next preceding" and in each year of employment. § 2. The "owner, agent or superintendent" "the knowingly employer" and the parent or guardian who allow such employment are liable to fine, \$50.

See Hours of Labor.

Abbreviations: R. S., Revised Statutes; G. S., General Statutes; P. S., Public Statutes; R. L., Ray's Laws; G. L., General Laws.

Digest of the Massachusetts Child Labor Laws.

I. Regulation of Child Labor.

1. Age and Education.

R. S. The law of apprenticeship is the only child labor law.

1836, c. 245, §1. Children between twelve and fifteen years of age in manufactories shall attend school three months in each year. §2. Employment in violation finable, \$50.

1838, c. 107. Amends 1836, c. 245, by adding that a certificate of school attendance releases the employer.

1849, c. 220. Amends 1836, c. 245, by substituting eleven weeks schooling, under qualified teachers, during the twelve months preceding and in each twelve months of employment, when the child has been a resident of the state for six months. Repeals 1836, c. 245, §2. Penalty, fine of \$50, recoverable by indictment; shall be payable into the common school fund.

1855, c. 379. Amends 1849, c. 220, and repeals inconsistencies by defining "teacher" as a "teacher approved by the school committee," and by striking out "of the twelve months next," thus leaving the preparatory school requirement "eleven weeks preceding the time of employment."

1858, c. 83. Repeals inconsistencies. The annual school attendance shall be eighteen weeks.

G. S., c. 42, §§1-2. Codifies 1836, c. 245; 1842, c. 60; 1849, c. 220; 1855, c. 379; 1858, c. 83. Omits 1838, c. 107; 1855, c. 379, §1, School attendance; §2, Penalty. See Hours of Labor.

1866, c. 273. Repeals inconsistencies: §1. No child under ten years of age shall be employed in manufactories. Between the ages of ten and fourteen years, six months schooling is required, in a school approved by the school committee, "during the year next preceding" and in each year of employment. §2. The "owner, agent or superintendent" "who knowingly employs" and the parent or guardian who allows such employment are liable to fine. \$50.

See Hours of Labor.

Abbreviations: R. S., Revised Statutes; G. S., General Statutes; P. S., Public Statutes; R. L., Revised Laws; G. L., General Laws.

- 1867, c. 285. Repeals 1866, c. 273. The same, substituting three months as the schooling requirement for children between ten and fifteen years employed in manufacturing and mechanical establishments. See Hours of Labor.
- 1876, c. 52. Repeals inconsistencies: §1. The same age limit, the parent or guardian held responsible under penalty of \$20 to \$50, payable into the public school funds. §2. Twenty weeks schooling in each year is required for children under fourteen employed in manufacturing, mechanical or mercantile establishments. A certificate from the school committee is required as evidence of compliance.
- 1878, c. 257. Amends 1876, c. 52, by requiring certificates of age and birth to be kept on file where children under sixteen are employed, and by restricting employment of those between the ages of ten and fourteen who cannot read and write to the times of public school vacation. Lack of certificate is deemed violation.
- 1880, c. 137. Amends 1878, c. 257, §1, by requiring certificates to be signed by a "member of the school committee" or "some one authorized by them," -- the form to be furnished by the secretary of the state board of education and approved by the attorney general.
- P. S., c. 48, §§1-7. Codifies 1876, c. 52; 1878, c. 257; 1880, c. 137. §1. Age limit. Penalty. §2. Under fourteen years of age. §3. Certificates. §4. Penalties. §7. Illiterate children.
- 1883, c. 224. Amends P. S., c. 48, §1, by forbidding the employment of a child under twelve years of age "during the hours" of public school session.
- 1885, c. 222. Amends P. S., c. 48, §7, by substituting "days" of public school session instead of "hours."
- 1887, c. 433. Repeals P. S., c. 48, §7. §1. Children under fourteen years, "who cannot read and write English," shall be employed only during public school vacations. The "owner, superintendent, or overseer," and the "parent or guardian" are held under penalty, \$20 to \$50 payable into the school funds. §2. Every person who "regularly employs" a minor of one year's residence, who cannot read, etc., and who does not regularly attend day or evening school, is liable to fine of \$50 to \$100, payable into the evening school funds. §3. The school committee may issue a special permit, for a fixed time, to a child whose labor is necessary. §4. The school committee shall post two weeks notice of the opening of each evening school term in public places.

- 1889, c. 135. Amends 1887, c. 433, §2, by substituting instead of "regular attendance at day or evening school," "regular attendance at day school, or 70 per cent of the yearly sessions of the evening school."
- 1890, c. 48. Amends 1887, c. 433, §3, by providing that if the child is prevented by sickness or injury from attending evening school, the school committee shall issue the special pabor permit only upon the presentation of a physician's certificate -- the form to be furnished by the committee.
- 1891, c. 317. Amends 1887, c. 433, by striking out "regularly employed," and by substituting "resides in" Mass. for the years's continuous residence qualification.
- 1888, c. 348. Repeals P. S., c. 48, §§1-6; 1883, c. 224; 1885, c. 222; 1887, c. 433, §1, and inconsistencies.
- §1. No child, under thirteen years, shall be employed in "factory, workshop, or mechanical establishment," "in any indoor work," during the hours of public school session, for wages or compensation to whomsoever payable; or "in any manner during such hours, unless during the year next preceding" he has attended school for twenty weeks. §2. The employment, as designated §1, of children under fourteen years, except during vacation, is conditioned upon the keeping on file of certificates and employment tickets, such employment to cease upon the expiration of the certificate. The chief of district police, with the approval of the governor, may forbid the employment of such children in unhealthy occupations, and the employer must comply within one week after receiving written notice. §3. School certificates and a list of all employees under sixteen years of age must be kept on file. §4. The certificate shall be signed, only after the presentation of an employment ticket, the form for each of these is given, §5, by the superintendent of schools, his agent or some authorized member of the school committee, not the prospective employer, who is given power to administer oath. §6. The certificate of age must be signed by the father, mother or guardian. §7. But no child, continuously a resident of the state since thirteen years of age, and not exempted by law, shall be given a certificate unless he has had the twenty weeks schooling. Proof of age shall be a certificate of birth or baptism, testimony of the school census, or other satisfactory evidence. §8. Violations are punishable by fine, \$20 to \$50, for signing a certificate falsely not more than \$50 or thirty days imprisonment or both. §9. Definition, See Sanitation, 1887, c. 103, §5. See. Hours of Labor.

- 1889, c. 291. Amends 1888, c. 348, §7, by allowing ability to "read at sight and write legibly simple sentences in the English language," as substitute for the twenty weeks schooling requirement in granting an age certificate to a child over thirteen years.
- 1890, c. 299. §1. The age or school certificates shall belong to the child who draws them and must be returned upon discharge. §2. Under penalty of \$10 fine upon the corporation or employer who retains it.
- 1892, c. 352. Amends 1888, c. 348, §2, by substituting thirty weeks schooling requirement, provided that the school is in session for that period, the time to be divisible into three terms of ten weeks each.
- 1894, c. 508, §§13-25, 62, 67, 69, 70, 78. Codifies 1883, c. 224; 1885, c. 222; 1887, c. 433; 1888, c. 348, §§1-8; 1889, cc. 135, 291; 1890, cc. 48, 299; 1891, c. 317; 1892, c. 352. §13. Under 13 years of age. §14, 15. Under 14 years of age. §§16-22, 62, 69. Certificates. §23. Inspection. §24, 70. Illiterate minors. §25. Special permits. §§67, 78. General penalties.
- 1898, c. 494. Repeals 1894, c. 508, §§13, 14, 16-25, 67, 69, 70 and inconsistencies. §1. The age limit is raised to fourteen years in factory, workshop, and mercantile establishment. Such children shall not be employed in "any work performed for wages or other compensation" to whomsoever payable, during the hours of public school session. See Hours of Labor -- Night Work. §2. The employment of minors under sixteen years of age is conditioned upon the keeping of age certificates on file and "accessible," and two complete lists of such minors, one on file and one conspicuously posted near the entrance of the building. The names of minors who cannot read, etc., must be kept on file and a duplicate list sent to the superintendent of schools, or the the school committee. §§3-4. Certificates provided as before. §5. An employment ticket, as above, is the prerequisite in drawing an age certificate. Duplicates of certificates issued must be kept on file, forms for both given as before. The "custodian" of the child may witness to his age. When evening school attendance is required the certificate remains in force only during regular attendance as "weekly endorsed by the teacher thereof." §6. Penalties: Fine of \$50 upon the employer, and of \$5 to \$20 upon the parent or person controlling the child for each day's violation after notice from the inspector or truant officer. Failure to produce certificate or lack of list is deemed violation. Fine for retaining a certificate, \$10;

1889, c. 291. Amended 1888, c. 348, § 7, by allowing ability to "read at sight and write legibly simple sentences in the English language," as substitutes for the twenty weeks schooling requirement in granting an age certificate to a child over thirteen years.

1890, c. 299, § 1. The age of school certificates shall be returned to the child who draws them and must be returned upon discharge. § 2. Under penalty of \$10 fine upon the corporation or employer who retains

1892, c. 352. Amended 1888, c. 348, § 2, by amending this weeks schooling requirement, provided that the school is in session for that period, the time to be divisible into three terms of ten weeks each.

1894, c. 508, §§ 13-25, 62, 67, 69, 70, 78. Codified 1887, c. 324; 1888, c. 322; 1887, c. 433; 1888, c. 324; 1889, c. 135, 291; 1890, c. 48, 299; 1891, c. 317; 1892, c. 352, § 13. Under 12 years of age. § 14. Under 14 years of age. § 15. Under 16 years of age. § 16. Under 18 years of age. § 17. Inspection. § 18. General penalties. § 19. Special penalties. § 20. Illiterate minors. § 21. General penalties.

1898, c. 494. Repealed 1894, c. 508, §§ 13, 14, 16-25, 67, 69, 70 and inconsequential. § 1. The age limit is raised to fourteen years in factory, workshop and mercantile establishment. Such children shall not be employed in "any work performed for wages or other compensation" to whomsoever payable, during the hours of public school session. See Hours of Labor -- Night Work. § 2. The employment of minors under sixteen years of age is conditioned upon the keeping of age certificates on file and "accessible," and two complete lists of such minors, one on file and one conspicuous posted near the entrance of the building. The names of minors who cannot read, etc., must be kept on file and a duplicate list sent to the superintendent of schools, or the school committee. § 3-4. Certificates provided as before. § 5. An employment ticket, as above, is the prerequisite in drawing an age certificate. Duplicate of certificates issued must be kept on file for both given as before. The "custodian of the child may witness to his age. When even school attendance is required the certificate remains in force only during regular attendance as "weekly endorsed by the teacher thereof." § 6. Penalties: Fine of \$50 upon the employer, or \$25 to \$50 upon the parent or person in control of the child for each day, a violation after notice from the inspector or board of health. Failure to produce certificate or lack of list is deemed a violation. Fine for retaining a certificate, \$

for knowingly certifying to a false statement, \$50. §7. No minor over fourteen years who cannot read, etc., shall be employed unless a regular attendant at evening school, where such are maintained by the city. The superintendent or teacher may excuse absence for cause. When a doctor's certificate states the applicant to be physically unable to both work and study a special work permit may be given for a fixed period.

- R. L. 1902, c. 106, §35. Codifies 1887, c. 433, §2; 1889, c. 135; 1891, c. 317; 1894, c. 508, §§24, 70; 1898, c. 494, §7. Literacy certificates.
- R. L. 1902, c. 106, §28. Codifies 1867, c. 285, §1; 1876, c. 52, §1; P. S., c. 48, §1; 1883, c. 224; 1885, c. 222; 1888, c. 348, §§1-2; 1892, c. 352; 1894, c. 508, §13, 15. Employment under 14.
- R. L. 1902, c. 106, §29. Codifies 1836, c. 245, §1; 1849, c. 220, §1; 1855, c. 379; 1858, c. 83, §1; G. S., c. 42, §1; 1867, c. 285, §1; 1876, c. 52, §2; 1878, c. 257, §§1, 5; 1880, c. 137; P. S., c. 48, §§2-3; 1888, c. 348, §2; 1892, c. 352; 1894, c. 508, §14; 1898, c. 494, §2. Age and schooling certificates.
- R. L. 1902, c. 106, §30. Codifies 1888, c. 348, §5; 1894, c. 508, §19; 1898, c. 494, §3. Approval of age and schooling certificates.
- R. L. 1902, c. 106, §31. Codifies 1898, c. 494, §4. Enumerates evidences of age to be accepted for granting of certificates.
- R. L. 1902, c. 106, §32. Codifies 1888, c. 348, §§3, 9; 1890, c. 299, §1; 1894, c. 508, §§17-18, 62; 1898, c. 494, §§5-6. Employment tickets and age and schooling certificates.
- R. L. 1902, c. 106, §33. Codifies 1836, c. 245, §2; 1849, c. 220, §3; 1858, c. 83, §2; G. S., c. 42, §2; 1867, c. 285, §3; 1876, c. 56, §§1, 3; P. S., c. 48, §§1, 4; 1883, c. 224; 1887, c. 433, §1; 1888, c. 348, §9; 1894, c. 508, §§67, 69; 1898, c. 494, §6. Penalties.
- 1902, c. 183. Amends R. L., c. 106, §35, by requiring certificate signed by superintendent of schools of school committee as evidence of attendance at day or evening school by employed minor over 14, by directing said minor to furnish employer weekly record of attendance while evening school is in session. Unexcused absences to cause attendance to be deemed irregular.

- 1904, c. 432. Amends R. L. 1902, c. 106, by striking out §31 and inserting a section enumerating the kinds of evidence of age previously allowed but adding the requirement that the "other evidence" may be accepted only in case the school authority decides that neither the last school census, certificate of birth or baptism, nor register of birth is available.
- 1905, c. 213. Amends R. L. 1902, c. 106, as amended by 1904, c. 432, by substituting a section which requires that the "other evidence" which the school authority may accept, in default of those enumerated, shall be given under oath.
- 1905, c. 267. Amends R. L. 1902, c. 106, §28, by adding prohibition in this section of the employment of children between 14 and 16 without certificate of ability to read and write simple English.
- 1906, c. 284. Amends R. L. 1902, c. 106, §28, as amended by 1905, c. 267, §1, defines the ability to read and write simple English as meaning, in 1906, such ability to read and write as is required for admission to the second grade; in 1907, to the third grade; in 1908 and thereafter, to the fourth grade of the public schools in the city or town in which such minor lives. §2. Minors to whom chapter applies may work on Saturdays between 6 a. m. and 7 p. m. in mercantile establishments.
- 1906, c. 499, §6. Repeals R. L. 1902, c. 106, §33, and all other inconsistencies. §1. Penalty for illegal employment of minor under 16 shall be fine of not more than \$300 or imprisonment for not more than six months, or both; for every day after notice by inspector of factories and public buildings: \$20 to \$100, or imprisonment for not more than six months. §2. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments to see if minors are employed contrary to R. L. 1902, c. 106, of this act, and shall make complaint against violators. Any inspector who knowingly and wilfully violates this section shall be fined not over \$100. §3. Truant officers may apprehend and take to school without warrant any minor under 16 employed contrary to R. L. 1902, c. 106, §§28-29, or amendments thereto. Shall report evidences of illegal employment to court. Truant officers who knowingly and wilfully violate shall be fined not over \$100. §4. Age and schooling certificates and lists of minors shall be produced for inspectors; failure to do so shall be prima facie evidence of illegal employment of minor whose certificate is not produced, or whose name is not on the list. Penalty upon employer or agent for

retaining certificate: \$10 to \$100. §5. Police, district and municipal courts and trial justices shall have jurisdiction of offense under this act. Summons or warrant may be served, at discretion of court or magistrate, by an inspector of factories and public buildings, a truant officer, or any officer qualified to serve criminal process.

1907, c. 224. Amends R. L. 1902, c. 106, §31, as amended by 1904, c. 432, and 1905, c. 213, by adding the provision that the certificate of the superintendent of the Lyman School for Boys or of the State Industrial School for Girls be sufficient evidence as to age and ability to read and write simple English for a child who has been an inmate of such school.

1909, c. 514. §§ 51, 56, 57, 59, 66. §51, amends 1907, c. 267, forbids employment of minor in manufacturing between 10 p. m. and 6 a. m., in textile manufacturing 6 p. m. to 6 a. m. Penalty \$20 to \$50 for each offense. §56, amends 1906, c. 284, §2, by adding manufacturing and mechanical establishments. §57. No child shall be employed in any factory, workshop or mechanical establishment without proper age and schooling certificates. §59, amends 1907, c. 224. Enumerates evidences of age for certificates. §66, illiterate minors must regularly attend evening school.

1913, c. 467. Every illiterate minor 16 to 21 years of age must attend evening school for full session, where such are held, unless attending day school.

1913, c. 779, §§1, 14, 15, 17, 23. §1. Amends 1906, c. 383, every child 7 to 14 years of age, and every child under 16 who cannot read and write English for completion of the fourth grade, and every child under 16 without an employment certificate, shall not be employed over six hours a day and shall attend day school during entire session. §14, amends 1909, c. 514, §56, no child under fourteen shall be employed in any factory, workshop, mechanical, manufacturing or mercantile establishment. No child under fourteen to work during the hours of public school session or before 7 a. m. or after 6 p. m. §15, amends 1909, c. 514, §57, no child between 14 and 16 shall be employed in any factory, workshop, manufacturing, mechanical or mercantile establishment without an employment certificate. Exemption: Saturday between 7 a. m. and 6 p. m. §17, amends 1909, c. 514, §59, no school record shall be issued unless child has regularly attended school not less than 130 days after becoming thirteen years of age. §23, amends 1909, c. 514, §66, no child

from 16 to 21 shall be employed without certificates of age or ability or inability to read and write.

- 1913, c. 831, §§1, 8, 9. §1. Amends 1913, c. 779, §14, by adding barber shop, bootblack stand, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office, or construction or repair of buildings or in tenement industries. Also amends hours to 6.30 a. m. and after 6 p. m. §8. Amends 1909, c. 514, §51, no minor under 16 shall be employed over six days a week or 48 hours a week or more than 8 hours a day or before 6.30 a. m. or after 6 p. m. §9. Amends 1909, c. 514, §51, no boy under 18 or girl under 21 shall be employed in any occupation named in §1 more than 6 days a week, or 54 hours a week or 8 hours a day or before 5 a. m. or after 10 p. m. or after 6 p. m. in textile manufacturing.
- 1914, c. 580. Amends 1913, c. 779, §17, by adding the provision that if the child is mentally incapable of meeting the educational qualifications this section may be suspended if the child has attended school for seven years.
- 1915, c. 81, §1. Amends 1913, c. 779, §1, by substituting 7 day for 5 day sessions for absentees. Penalties.
- 1916, c. 66. Amends 1913, c. 779, §17. Grants employment certificate for summer vacation to children over 14 but under 16 who cannot meet the educational qualifications.
- 1916, c. 95, §§2-3. §2, amends 1913, c. 779, §15. Grants special certificate for employment to pupils in coöperative courses. §3. Amends 1909, c. 514, §66. Educational certificates required for all children 16 to 21 except pupils in coöperative courses.
- 1916, c. 82. Amends 1913, c. 467, §1, by exempting illiterate married women from evening school attendance.
- 1917, c. 294. Amends 1913, c. 831, §9. Provides for employment of girls under 21 in regular telephone service until but not after 11 p. m.
- 1919, c. 281. Amends 1913, c. 779, §1, as amended by 1915, c. 81, §1, by substituting "sixth" for "fourth" grade completion for educational certificate.
- 1919, c. 292, §§12-13. §12. No child 14 to 16 shall be employed without an employment certificate except pupils in coöperative courses. §13, amends 1909, c. 514, §59, by adding as an exception pupils in coöperative courses.

1919, c. 311, §1, cl. 5, amends 1913, c. 831, §8, by including time attended in continuation school in the forty-eight hours a week for children under 16.

G. L. 1920, c. 76, §§1, 3. §1 codifies 1905, c. 420, §1; 1906, c. 383; 1913, c. 779, §1; 1915, c. 81, §1; 1919, c. 281. Compulsory school attendance. §3. Codifies 1913, c. 467, §§1-3; 1916, c. 82, §1; Illiterate minors 16 to 21.

G. L. 1920, c. 149, §§60, 65-66, 86, 88, 95. §60 Codifies 1905, c. 267, §1; 1906, c. 284, §2; 1909, c. 514, §56; 1913, c. 779, §14; 1913, c. 831, §1. Employment of minors under fourteen. §65 Codifies 1913, c. 831, §8; 1919, c. 311. Employment of minors under sixteen. §66 Codifies 1907, c. 267; 1909, c. 514, §51; 1913, c. 831, §9; 1917, c. 294. Employment of boys under eighteen and girls under twenty-one. §86 Codifies 1906, c. 499, §§4, 6; 1909, c. 514, §57; 1913, c. 779, §15; 1916, c. 95, §2; 1919, c. 292, §12; 1919, c. 350 Employment under 16 without employment certificate. §88 Codifies 1904, c. 432; 1905, c. 213; 1907, c. 224; 1909, c. 514, §59; 1913, c. 779, §17; 1914, c. 580; 1916, c. 66; 1919, c. 292, §13. Issuance of school record. §95 Codifies 1902, c. 183; 1906, c. 499, §§4, 6; 1909, c. 514, §64, 66; 1913, c. 779, §23; 1916, c. 95, §3. Employment of minors 16 to 21 without employment certificate.

1921, c. 341. Amends G. L. 1920, c. 149, §95, by requiring attendance regularly at evening school if minor cannot meet educational qualifications for completion of sixth grade as in G. L. 1920, c. 76, §1.

II. Occupations.

1. Street trades.

G. S., c. 50, §14. The mayor and aldermen may be authorized to restrict or license sales by minors.

1864, c. 151, §1. Cities and towns may regulate sales by minors.

P. S., c. 68, §2. Codifies G. S., c. 50, §14, and 1864, c. 151, §1.

1887, c. 422. Any person controlling, or using, a minor under fifteen years of age, who begs or peddles without a license, where one is required by law, shall be liable to fine of \$200 or six months imprisonment.

1889, c. 229. No street railway corporation shall allow any minor under ten years of age to enter a car to peddle. A fine of \$50 is recoverable in action of tort, by any person, within three months. The corporation is liable for violation by any servant or agent.

1892, c. 331. Repeals P. S., c. 68, §2. The mayor and aldermen may regulate, etc., the issue of licenses for peddling by minors, and any minor who violates shall be fined \$10.

R. L. 1902, c. 65, §§17-18. §17 codifies 1846, c. 244, §2; G. S. c. 50, §14; P. S. c. 68, §2; 1892, c. 331. Regulation of sales by minors. §18 codifies 1887, c. 422. Penalty for employing minor without license.

1902, c. 531. Amends R. L. 1902, c. 65, §17, by including bootblacking in the trades licensed and by transferring the powers otherwise given to the mayor and alderman to the school committee in the case of persons under 14 in Boston.

1906, c. 151. Amends R. L. 1902, c. 65, §17, as amended by 1902, c. 531, by extending to all cities of the Commonwealth the application of the provisions of 1902, c. 531, thus giving into the hands of school authorities in all the cities the control of street trading by minors under 14.

1913, c. 831, §§1, 15. §1 forbids the employment of minors under 14 in certain occupations and before 6.30 a. m. or after 6 p. m. §15 forbids the employment of any boy under 16 in street trades after 9 p. m. or before 5 a. m. or during the hours of public school session without employment certificate.

G. L. 1920, c. 149, §§69, 73. §69 forbids the employment of boys under 12 and girls under 18 in street trades, including newsboys, bootblacks, and scavengers. §73, codifies 1913, c. 831, §15, hours of employment for street trades for minors under 16.

2. Shows, circuses, etc.

1874, c. 279. Licenses shall not be granted for shows, etc., in which children under fifteen years are employed as gymnasts, etc.

1877, c. 172. Any person who "employs, exhibits, sells, apprentices or gives" a child under fifteen years for "the vocation, occupation, service or purpose of dancing, playing on musical instruments, singing, rope or wire walking, or in riding or as gymnast, contortionist, or acrobat, in a circus, theatrical exhibition or public place, or who shall "cause, procure or encourage" to do so, is fined \$200 or given six months in the county jail. Provide:- This shall not prevent education in music, or employment in church or chapel, or appearance in a school exhibition, concert or musical entertainment with the written permit of the mayor and aldermen or selectmen.

1880, c. 88. No license shall be given for "theatrical exhibition" or "public show" where children under fifteen years, and "belonging to the public schools," take part, or where, in the opinion of the board of licensers, employment is corrupting to moral or physical health.

P. S., c. 48, §§8-9. Codifies 1874, c. 279; 1877, c. 172; 1880, c. 88. §8. Penalty for employing. §9. License not to be granted.

1894, c. 508, §§49, 50, 64. Embodies P. S., c. 48, §§8-9. §49. Employment of children in shows, etc. §64. Penalty. §50. License.

1898, c. 394. Amends 1894, c. 508, §49, by forbidding the exhibition of the children in dancing "upon the stage," by allowing instruction in dancing, and by permitting such children to take part in "festivals."

1909, c. 514, §76. Forbids employment of children under 15 in dancing, etc. on the stage.

G. L. 1920, c. 149, §104. Codifies 1887, c. 172; P. S. c. 48, §8; 1894, c. 508, §§49, 64; R. L. 1902, c. 106, §45; 1909, c. 514, §76. Forbids employment of children under 15 in dancing, etc., on the stage. Penalty, not more than \$200 or imprisonment not over six months.

3. Dangerous occupations.

- 1887, c. 121. Children under fifteen years of age must not clean any part of machinery which is in motion or dangerously near to machinery which is in motion. The owner, superintendent, or agent is held responsible under a fine of \$50 to \$100.
- 1890, c. 90. Children under fifteen years of age must not have "care, custody, management or operation" of any elevator, nor under eighteen years, at a speed of over 200 feet per minute. Any person firm or corporation who employs, or permits to be employed, in violation is fined \$25 to \$100.
- 1894, c. 508, §§31, 32, 73, 74. Codifies 1887, c. 121; 1890, c. 90. §31. Cleaning dangerous machinery. §73. Penalty. §32. Operating elevators. §74. Penalty.
- R. L. 1902, c. 106, §42. Codifies 1887, c. 121, §1; 1894, c. 508, §§31, 73. Cleaning machinery in motion.
- R. L. 1902, c. 106, §43. Codifies 1890, c. 90, §1; 1894, c. 508, §§32, 74. Minors operating elevators.
- R. L. 1902, c. 106, §44. Codifies 1901, c. 164. Minors in manufacture of acids.
- 1902, c. 350. Inconsistencies repealed. Minors under 16, formerly 15, may not operate elevators; minor under 18 may not operate elevators at a speed of more than 100 feet a minute, formerly 2pp feet.
- 1909, c. 514, §73. Cleaning machinery in motion forbidden. Penalty \$50 to \$100 for each offense.
- 1913, c. 831, §§2-3, 5. §§2-3, no minor under 16 shall be employed in certain occupations deemed dangerous or injurious to health. §5. No minor under 18 shall be employed in certain dangerous occupations.
- 1920, c. 298, §§1-2. §1. No minor under 16 years of age shall be employed or permitted to operate, clean or repair a freight elevator. §2. Penalty, not more than \$100.
- G. L. 1920, c. 149, §§61, 62. §61 codifies 1887, c. 121, §1; 1894, c. 508, §§31; 73; R. L. 1902, c. 106, §42; 1909, c. 514, §73; 1913, c. 831, §§2-3; 1920, c. 298. List of 21 dangerous occupations forbidden to minors under 16. §62 codifies 1913, c. 831, §5. List of 14 dangerous occupations forbidden to minors under 18.

II. Hours of Labor.

1. General.

1842, c. 60, §§3-4. Children under twelve years shall not be employed more than ten hours a day in manufacturing, - the owner, agent or superintendent to be fined \$50 for knowingly violating.

See Age and Education.

G. S., c. 42, §3. Embodies 1842, c. 60, §§3-4.

1866, c. 273, §3. No child under fourteen years shall be employed in any manufacturing establishment more than eight hours a day. See Age and Education.

1867, c. 285, §2. Repeals 1866, c. 273. No child under 15 years shall be employed more than sixty hours in one week under penalty of \$50 for "knowingly" violating. See Age and Education.

1874, c. 221. §1. Hours of labor for women and minors in manufacturing shall be ten per day except 1. to make good loss of time due to stoppage for repairs in a previous day of the same week, or 2. to give one shorter day. §2. The person, firm or corporation, superintendent, overseer or agent and the parent or guardian are fined \$50 for "willful" violation, upon prosecution within one year.

1879, c. 207. Amends 1874, c. 221, by striking out the word "willful."

1880, c. 194. §1 amends 1874, c. 221, §1, by requiring printed notice of the number of hours of work required in each day to be posted in workrooms where women and minors are employed. §2. By adding that employment, "in any one day," beyond the hours so stated shall be deemed violation, except as allowed in 1874, c. 221. Also, by raising the penalty from \$50 to \$100.

P. S., c. 74, §§4-5. Codifies 1874, c. 221; 1879, c. 207; 1880, c. 194. §4. Hours of labor - 60 per week. Postment of notice. §5. Penalty.

1883, c. 157. Amends P. S., c. 74, §4, by extending the ten hour day to women and minors in "mechanical and mercantile establishments."

1884, c. 275. Repeals P. S., c. 74, §4. §1. No minor shall be employed more than sixty hours per week in "any mercantile establishment." Notice of hours shall be conspicuously posted. Penalty of \$50 - \$100 is placed upon the employer, corporation, parent, or guardian for violation. An age certificate, sworn to by the minor and guardian, shall be evidence of age.

- 1886, c. 90. Amends P. S., c. 74, §4, by adding that the form for notices shall be furnished by the chief of the district police as approved by the attorney general, and shall require a statement of the time allowed to start and stop machinery and of the time given for meals.
- 1887, c. 280. Amends P.S. c. 74, §4, and repeals 1886, c. 90.
§1. By allowing overtime employment, to make good loss during repairs, etc., only when the stoppage has lasted more than thirty minutes, and after written report stating day, hour and duration has been sent to the chief of district police or the inspector. A fine of \$50 - \$100 is imposed for false report. §2. By requiring the notice to state "the hours of commencing and stopping work, hours when time for meals begins and ends, or if exempted, see Meal Hours 1887, c. 215, §3, the time, if any, allowed for meals"- the printed form to be furnished by the chief of district police and approved by the attorney general.
- 1892, c. 357. Amends P. S., c. 74, §4, by reducing the hours of labor to fifty-eight a week.
- R. L. 1902, c. 106, §23. Codifies 1884, c. 275, §1; 1884, c. 508, §10; 1900, c. 378; 1901, c. 113. Hours in mercantile establishments.
§24. Codifies 1842, c. 60, §3; G. S., c. 42, §3; 1867, c. 285, §2; 1874, c. 221, §1; 1880, c. 194, §1; P. S., c. 74, §4; 1883, c. 157; 1884, c. 275, §3; 1886, c. 90; 1887, c. 280, §1; 1892, c. 357, §1; 1894, c. 508; §11. Hours in manufacturing and mechanical establishments.
§25. Codifies 1842, c. 60, §4; G. S., c. 42, §3; 1867, c. 285, §3; 1874, c. 221, §2; 1879, c. 207; 1880, c. 194, §2; P. S., c. 74, §5; 1884, c. 275, §2; 1887, c. 280, §1; 1894, c. 508, §§59-61. Penalties.
§26. Codifies 1892, c. 210; 1894, c. 508, §56. Form of complaint.
- 1902, c. 435. Amends R. L. 1902, c. 106, §24, by prohibiting work of women and minors in manufacturing at any other time than that stated in printed notice, formerly "for a longer time in a day."
- 1904, c. 397. Amends R. L. 1902, c. 106, §23, by striking out words which exempt shops for the sale of goods at retail from application of 58 hour law during December.
- 1907, c. 267. Repeals inconsistencies. Amends R. L. 1902, c. 106, §27, by prohibiting the employment of women and minors under 18 in textile manufactories before 6 a. m. or after 6 p. m. Penalty; fine of from \$20 to \$50.

- 1908, c. 645. Amends R. L. 1902, c. 106, §24, as amended by 1902, c. 435, by lowering to 56 the number of hours per week allowed in manufacturing or mechanical establishments, except where the employment is by seasons, in which case the number of hours per week may be as high as 58, if the total number of hours in any year does not exceed an average of 56 hours per week.
- 1909, c. 514, §§47-48. Embodiment 1908, c. 645. §47. Children shall not be employed more than 58 hours a week. Penalty \$50 to \$100. §48. Children in manufacturing or mechanical establishments shall not be employed more than 10 hours a day or more than 58 hours a week. Penalty for violation \$50 to \$100.
- 1911, c. 313. Extends 1909, c. 514, §47, to mercantile establishments and garment workshops.
- 1911, c. 484. Amends 1909, c. 514, §48. No child under 18 shall be employed in a manufacturing or mechanical establishment more than 10 hours a day or 54 hours a week.
- 1912, c. 477. Embodies 1911, c. 484.
- 1913, c. 758. Amends 1909, c. 514, §48. No child under 18 shall be employed in factory, workshop, manufacturing, mechanical or mercantile establishment, telephone exchange, telegraph office, express or transportation company more than 10 hours a day or more than 54 hours a week.
- 1913, c. 831, §8. No minor under 16 shall be employed over six days a week or 48 hours a week or more than 8 hours a day, or before 6.30 a. m. or after 6 p. m. §9. No boy under 18 or girl under 21 shall be employed in any occupation named in §1 more than 6 days a week, 54 hours a week, or 8 hours a day, or before 5 a. m. or after 10 p. m., or after 6 p. m. in textile manufacturing.
- 1915, c. 57. Amends 1913, c. 758, by inserting that no overtime be authorized for stopping of machinery because of the celebration of a holiday.
- 1916, c. 222. Amends 1913, c. 758 as amended by 1915, c. 57. Amends overtime provisions.
- 1919, c. 113. Amends 1916, c. 222. No child under 18 shall be employed in any factory, etc., more than 9 hours a day or 48 hours a week.
- 1919, c. 311, §1, cl. 5. Amends 1913, c. 831, §8, by including time in attendance at continuation school in the 48 hours a week.

G. L. 1920, c. 149, §§56, 65, 67. §56 codifies 1902, c. 435; 1904, c. 397; 1908, c. 645; 1909, c. 514, §§47; 48; 1911, c. 313; 1911, c. 484; 1912, c. 477; 1913, c. 758; 1913, c. 831, §§8-9; 1915, c. 57; 1916, c. 222; 1919, c. 113; 1919, c. 311, §1.
Employment of minors.
§65 codifies 1913, c. 831, §8; 1919, c. 311, §1.
Employment of minors under 16.
§67 codifies 1913, c. 831, §9; 1919, c. 113.
Employment of minors under 18.

2. Hours for meals.

- 1887, c. 215. §1. In factories or workshops where five or more women and minors begin work at the same hour, meal time shall be given them later at the same hour without imposing additional work upon those who may work through such hour, directed against doubling up. §2. Intervals shall be six hours of work to one-half hour for the meal, six and one-half hours when the work ends at one o'clock, or seven and one-half hours, time for lunch being given, when work ends at two o'clock. §§3-4. Exemptions defined, and special certificates of exemption allowed to be given by the chief of district police with the approval of the governor. §5. Whoever "for himself or as superintendent, overseer or other agent" violates is liable to fine, \$50 - \$100, except when the operative violates against orders.
- 1887, c. 330. Amends 1887, c. 215, §5, by releasing the employer from responsibility when a woman or minor violates without the "order, consent or knowledge" of himself, the superintendent, overseer or agent, - notice forbidding labor during meal hours having been posted in the work rooms.
- 1909, c. 514, §§67, 68. §67. Women and young persons, when five or more are employed in the same factory, shall be allowed meal hours at the same time. §68. Not more than six hours work without an interval of one-half hour for meals unless employment ends at one o'clock for the day.
- 1917, c. 110. Amends 1909, c. 514, §68. Meal hour increased to forty-five minutes.
- G. L. 1920, c. 149, §§99, 100. §99 codifies 1909, c. 514, §67 and other minor amendments on 1887, c. 215, §1. Women and children shall be allowed their meal times at the same hour. §100 codifies 1909, c. 514, §68; 1917, c. 110; and other minor amendments on 1887, c. 215, §2; 5. No child or woman shall be employed more than six hours without a meal hour of forty-five minutes unless the employment ends at one o'clock for the day.

3. Night work.

- 1888, c. 348, §2. No child under fourteen years shall be employed in any manner between 7 p. m. and 6 a. m., under penalty of fine, \$20 - \$50 payable to the public schools.
See Age and Education.
- 1890, c. 183. No woman or minor shall be employed for the purpose of manufacturing between 10 p. m. and 6 a. m. by any corporation or manufacturing establishment under penalty of fine \$20 - \$50.
- 1892, c. 83. Amends 1890, c. 183, by correcting parties held: "No person or corporation or officer or agent thereof shall employ," etc.
- 1894, c. 508, §§10-12, 26-29, 56, 59, 60, 61, 68, 71. Codifies P. S., c. 74, §§4-5; 1883, c. 157; 1884, c. 275; 1886, c. 90; 1887, cc. 215, 280, 330; 1888, c. 348; 1890, c. 183; 1892, cc. 83; 357. §10. Hours for minors in mercantile establishments. §60. Penalty. §61. Evidence. §11. Hours for women and minors in manufacturing and mercantile establishments. Notices. §56. Complaint. §§59-60. Penalty. §12. Night work. §68. Penalty. §§26-29. Meal hours. §71. Penalty.
- 1900, c. 378. Amends 1894, c. 508, §10, by extending the 58 hour week to women and minors in mercantile establishments, - this law not to apply to retail shops during December.
- 1907, c. 267. Repeals inconsistencies. Prohibits the employment of women and minors under 18 in textile manufactories before 6 a. m. or after 6 p. m. Penalty: fine of from \$20 - \$50.
- 1909, c. 514, §56. Amends 1907, c. 267 by forbiddings employment of minors in manufacturing before 6 a. m. or after 10 p. m.
- 1913, c. 779, §14. Amends 1909, c. 514, §56. No child under 14 shall work during school hours or before 7 a. m. or after 6 p. m.
- 1913, c. 831, §§1, 8, 9, 15. §1. Amends 1913, c. 779, §14, by changing the hours to before 6.30 a. m. or after 6 p. m. §8. No minor under 16 shall be employed before 6.30 a. m. or after 6 p. m. §9. No boy under 18 or girl under 21 shall be employed in any occupation named in §1 before 5 a. m. or after 10 p. m. or after 6 p. m. in textile manufacturing. §15. No boy under 16 shall be employed in street trades after 9 p. m. or before 5 a. m. nor during the hours of public school session unless with an employment certificate.

1917, c. 294. Amends 1913, c. 831, §9, by providing for the employment of girls under 21 in regular telephone service until but not after 11 p. m.

G. L. 1920, c. 149, §§60, 65, 66, 68, 73. §60 codifies 1906, c. 284, §2; 1909, c. 514, §56; 1913, c. 779, §14; 1919, c. 831, §1. Employment of minors under 14. §65. Codifies 1913, c. 831, §8; 1919, c. 311, §1. Employment of minors under 16. §66. Codifies 1907, c. 267; 1909, c. 514, §51; 1913, c. 831, §9; 1917, c. 294. Employment of boys under 18 and girls under 21 in certain occupations. §68. Forbids messenger work for minors in telephone, telegraph, or messenger companies before 5 a. m. or after 10 p. m. §73 codifies 1913, c. 831, §15. Employment under 16 in street trades.

III. Miscellaneous.

1. Aid to mothers with dependents.

1913, c. 763, §§ 1, 4, 6. Repeals inconsistencies. §1. Overseers of the poor to provide aid to mothers with dependent children under 14 to enable them, if capable, to bring them up properly in their own homes. §4. This chapter applies to all mothers without other means of support from relatives, etc., and their dependent children whethere or not they may have a settlement within the Commonwealth who have resided in the Commonwealth not less than three years. §6. The state will reimburse towns for one-third of expense. If mother has no settlement, for total amount.

G. L. 1920, c. 118, §§1-6. Codifies 1913, c. 763, §§1, 4, 6.

Amendment now before House to extend aid to children from 14 to 16 if and during time when such children are required under G. L. 1920, c. 76, §1, to attend public day school.

Note:- The headings, subdivisions and forms used above follow in general those used by Miss S. S Whittelsey in her "Massachusetts Labor Legislation," pp. 107-116, and by Miss Edith Reeves in her "Labor Laws of Massachusetts, 1902 - 1910" pp. 311 - 314. Laws from 1836 - 1900 are quoted from Miss Whittelsey's work, those from 1902 - 1909 from Miss Reeves' collection. Other laws 1909 - 1921 are from my own compilation.

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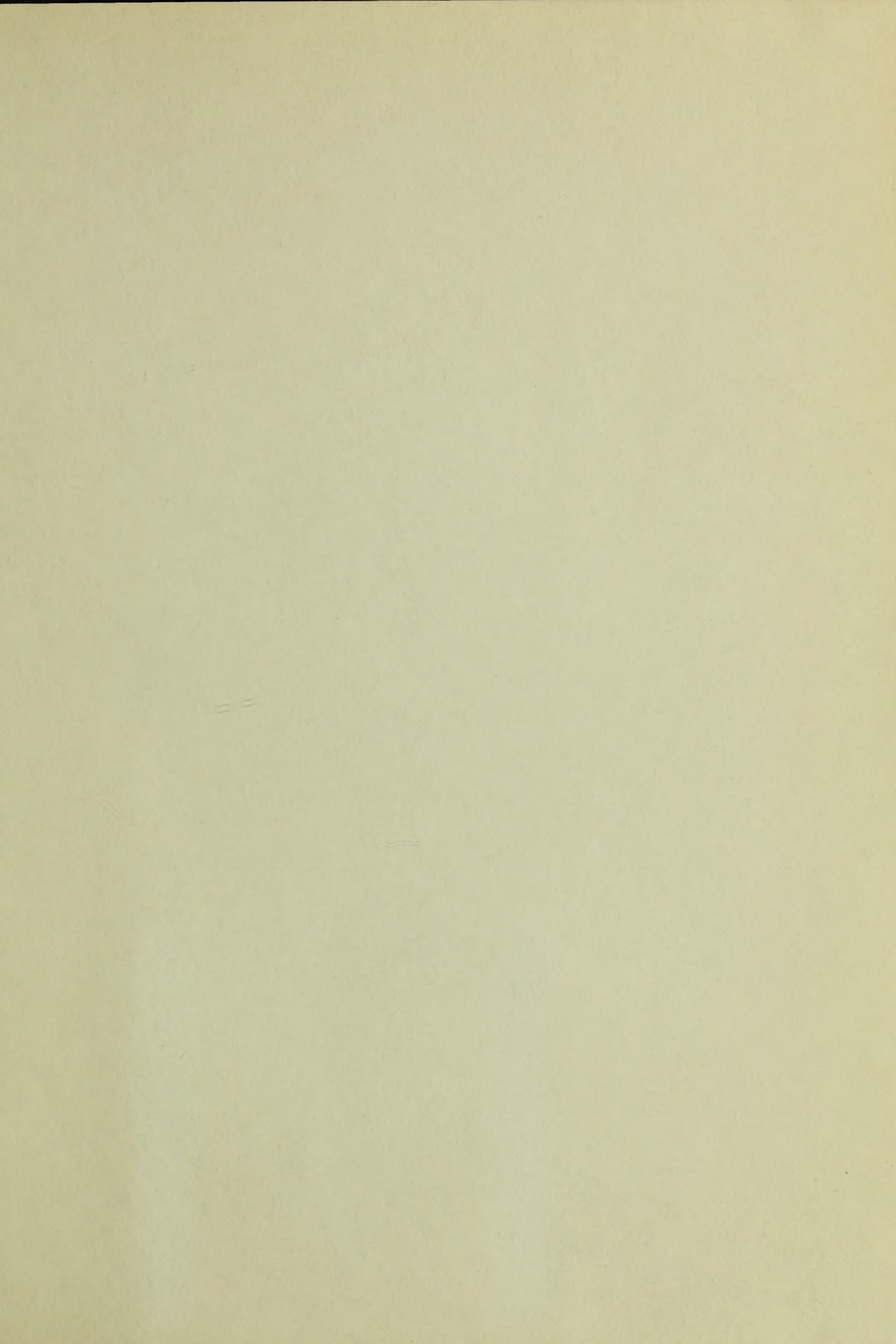
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